

**THE NOTES BELOW REPRESENT NOTES  
AFTER THE SECOND CHECK HAS BEEN  
COMPLETED. NO FURTHER  
DOCUMENTS WILL BE REVIEWED PRIOR  
TO HEARING.**

Proposed Local Rules have been posted and can be viewed by visiting  
<http://www.sbcounty.gov/courts/pdfs/misc/proposedrules.pdf>

The court welcomes your comments on these proposed rules. Please send them via E-mail to [dmeyers@courts.sbcounty.gov](mailto:dmeyers@courts.sbcounty.gov) or mail them to San Bernardino County Superior Court, 303 West Third Street, Mail Stop 240, San Bernardino, CA 92415. Comments are due by May 12, 2008. If sending comments close to the end of the comment period, please email only.

**The Probate Examiners can be reached at ProbateNotes@courts.sbcounty.gov. Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened. Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes. PLEASE DO NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN RECEIVED, OR TO REQUEST THE CLEARING OF NOTES. No legal or procedural advice may be given.**

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

***PROBATE***

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DATE: 05/01/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0600021

CASE NAME: MTR OF ANN M. STUDT TRUST

HEARING:  
Readiness Calendar

COUNSEL:

JONATHAN V. STUDT	(PET)...	GREGORY S LARSON
GEORGE W. SCOTT JR	(PET)...	GREGORY S LARSON
MARILYN ANN NORD	(TEE)...	HORSPOOL & PARKER

No calendar notes as this is on Readiness.

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0600247

CASE NAME: EST OF FRANCES C SULLIVANT

HEARING:  
Accounting Review

COUNSEL:  
STEPHEN L SULLIVANT (PET)...THOMAS M JOHNSON  
FRANCES C SULLIVANT (DEC)...

GENERAL INFORMATION:  
Letters Testamentary issued 2/22/07 (full authority, no bond)

THIS CASE IS SET FOR HEARING ON Accounting Review/Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting or status report is filed.

RECOMMENDATION:  
Find out status.  
(gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0700627

CASE NAME: EVELYN L MACHAIN

HEARING:

FIRST AND FINAL Account and Report of LUCINDA M BETCHER and  
Petition for allowance of fees filed.

COUNSEL:

LUCINDA M BETCHER (PET)...FULLERTON LEMANN SCHAEFFER & D  
EVELYN L MACHAIN (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Final  
Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file notice of hearing and proof of service.
2. Petitioner requests statutory compensation of \$15,454.87. Ok.
3. Attorney requests statutory fees of \$15,454.87. Ok.
4. Petitioner requests authority to withhold \$2,500 for closing expenses. Ok.
5. On disbursements, there is a cost reimbursement to Attorney's firm on 12/8/07 which includes two filing fees for Spousal Property Petition, one for \$40 and the other for \$280. However, do not see any spousal property petition filed in this matter. Question this reimbursement? File verified supplement.

RECOMMENDATION:

Need to clear notes 1 and 5. If approved, court to set hearing on filing receipts and final discharge for 5/7/09.

(gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0700643

CASE NAME: LEAH D ROSEN

***VACATED- FINAL I&A FILED.***

HEARING:  
Hearing re: Inventory and appraisal

	COUNSEL:
ZEEDA I NIERMAN	(PET)...CRAIG M PARKER
LEAH D ROSEN	(DEC)...

FUTURE HEARING DATES:  
10/23/08 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0700687

CASE NAME: JERRENE RICCI

HEARING:  
Hearing re: Inventory and appraisal

COUNSEL:  
DONITA GALLOCK (PET)...ELIZABETH A LARSEN  
JERRENE RICCI (DEC)...

GENERAL INFORMATION:  
Letters Testamentary issued 10/24/07 (full authority, no bond)

THIS CASE IS SET FOR HEARING ON filing Inventory and Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No inventory filed (overdue by 2 months)

RECOMMENDATION:  
Find out status.  
(gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0700689

CASE NAME: ANN VICTORIA ADAMS

**SEE ALSO 6A**

HEARING:

FIRST AND FINAL Account and Report of SABRINA A ALIMAHOMED and  
Petition for allowance of fees filed.

COUNSEL:

SABRINA A ALIMAHOMED (PET)...SCHMIESING BLIED STODDART & MA  
ANN VICTORIA ADAMS (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 1st & final account and petition for fees and final  
distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Need corrected I&A. (See notes on following page.)
2. As a corrected I&A is needed, it cannot be determined whether or not this  
accounting balances.
3. Disbursements show payment of \$153.66 for cell phone and a payment of  
\$134.48 for Direct TV dated 12/13/07. Question the purpose of these payments  
as decedent died 6 months previously. Need verified supplement.
4. Need copies of bank statements verifying balance of property on hand per local  
rule 20-908.
5. Graduated filing fee schedule filed showing a corrected filing fee of \$65 is due.  
However, no further filing fee is due.
6. Petitioner and attorney request statutory fees of \$8,189.00. As a corrected I&A  
is needed, the statutory fees cannot be calculated.

RECOMMENDATION:

Need to clear notes. If approved, court to set hearing re filing receipts and final discharge  
for **5/7/09**.

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR  
HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0700689

CASE NAME: ANN VICTORIA ADAMS

**SEE ALSO 6**

HEARING: INVENTORY AND APPRAISAL

COUNSEL:

SABRINA A ALIMAHOMED (PET)...SCHMIESING BLIED STODDART & MA  
ANN VICTORIA ADAMS (DEC)...

GENERAL INFORMATION

Continued from 3/5/08. No appearance.

**Continued from 4/23/08. No appearance. Matter to trail accounting. Court orders attorney for S. Alimahomed to be present. Clerk mailed notice. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON Inventory & Appraisal.

THE FOLLOWING ISSUES AND / OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters issued on 8/29/07-no bond.
2. Final Inventory and Appraisal has been filed, however, need copies of bank statements verifying the date of death balance per Local Rule 20-908.  
**Supp: Bank statements filed. However, the balances listed in the statements (which were used in the I&A) are from three months after the date of death. In the supplement, petitioner states that these balances were for the accounts "at the time the personal representative was able to gain access to the accounts." The representative has a duty to inventory the bank accounts and provide bank statements *as of the date of death*. The representative should be able to use her Letters to obtain the bank statements that cover the date of death and inventory those balances (otherwise, there is no way of determining, for example, whether there was unusual activity after death but before the later bank statements now provided). Pending accounting (to be heard 5/1/08) may also be affected because it relies upon the I&A starting balances.**

RECOMMENDATION:

Suggest court require a Corrected I&A and proper bank statements covering the date of death.

(/kra)



CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0800089

CASE NAME: CONSTANCE R. HEINZE

**SEE ALSO 8**

HEARING:

Petition for Probate, Letters of Tstmnty with full authority  
under IAEA.

COUNSEL:

TIMOTHY D. HEINZE (PET)...WALTER T MOORE  
CONSTANCE R. HEINZE (DEC)...  
RONALD ERNEST HEINZE (TP )...PRENOVOST NORMANDIN BERGH & DA

GENERAL INFORMATION:

**Continued from 3/20/08 at request of counsel. Objections and responses to be filed.**

THIS CASE IS SET FOR HEARING ON Petition for Probate and for Letters Testamentary  
with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond.
2. Need to file proof of publication.
3. At hearing on the special administration on 2/6/08, objections were raised by Roxanne Trimble (daughter) and Robin Lis (daughter). Court notes counsel (Atty. Nelms) to file written objections. Special administration was not granted. **Will contest filed by Robin Lis and Roxanne Trimble.**

RECOMMENDATION:

Need to clear notes. Objections filed; set for contested hearing.  
(gls/kra/gls/kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

-----  
DATE: 05/01/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0800089

CASE NAME: CONSTANCE R. HEINZE

**SEE ALSO 7**

HEARING:

Ex parte hearing re: TEMPORARY LETTERS OF ADMINISTRATION

COUNSEL:

TIMOTHY D. HEINZE (PET)...WALTER T MOORE

CONSTANCE R. HEINZE (DEC)...

RONALD ERNEST HEINZE (TP )...PRENOVOST NORMANDIN BERGH & DA

See prior notes (matter 7)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0800245

CASE NAME: JOLEEN TREFZ

HEARING:

Petition for Letters of Admin. WWA W/ Limited Authority under  
IAEA

COUNSEL:

A. MICHAEL KAUTZ (PET)...ROLAND W HALL  
JOLEEN TREFZ (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with Will  
Annexed with limited authority under IAEA, by brother

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the sole heir and waives bond.
2. Need to file notice of petition to administer estate and proof of service upon all persons named in Will (i.e., Monica Post and Stephanie A. Kautz).
3. Item 9 of the petition is not complete with the names/addresses of Monica Post and Stephanie A. Kautz. File verified supplement.

RECOMMENDATION:

Need to clear notes.  
(gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0800267

CASE NAME: MARGARET A. SERPICO-JONES

HEARING:

Petition to determine succession to Real Property

COUNSEL:

ALICIA P. SERPICO (PET)...PRO/PER

MARGARET A. SERPICO-JONES (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to determine succession to real property

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner claims a 100% ownership interest in decedent's three parcels of real property pursuant to the terms of decedent's Will.
2. Procedurally correct.

RECOMMENDATION:

Court's discretion.

(gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0800273

CASE NAME: ANA ISABEL COLINDRES SPECIAL NEEDS TRUST

HEARING:

Petition for APPROVAL OF THIRD ACCOUNT CURRENT AND REPORT OF  
TRUSTEE

COUNSEL:

PFF BANK & TRUST (PET)...ALTHOUSE & MCDONOUGH

GENERAL INFORMATION:

Accounting covers period: 5/1/05 – 12/31/07

THIS CASE IS SET FOR HEARING ON Third Account Current and Petition for Allowance  
of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges the court established the Special Needs Trust on or about 4/30/02. On 7/24/07, the parties stipulated to terminating the guardianship of the estate and to amend the Trust to eliminate the Trust Advisory Committee in Case No. RGRS01108. The first two accountings were filed under the guardianship case.
2. Petitioner requests confirmation of fees paid over the accounting period in the amount of \$52,965.41. Calculated on a percentage of the value of the trust. JTD
3. Attorney requests fees of \$1,762.50. Billed at \$235/hour for 7.5 hours. Itemized. JTD

RECOMMENDATION:

RFA subject to court's determination of fee request and fee confirmation. If approved, set next accounting review for 5/7/09. Accounting to be filed 30 days in advanced.

(gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0800275

CASE NAME: MARIA DEL SOCORRO RIOS

HEARING:  
Petition to determine succession to Real Property

COUNSEL:  
MARIA TERESA VALTIERRA RIOS (PET)...AVILES & ASSOCIATES  
MARIA DEL SOCORRO RIOS (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to determine succession to real property

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner claims an ownership interest in decedent's real property. There are five individuals listed on item 14 of the petition. Are these individuals the issue of decedent? Need relationships identified. If five individuals are all of the same degree of relationship, all five must sign and join in the petition. File verified supplement and/or corrected petition.
2. Item 8 of the petition indicates that the value of the real property is listed on the attached Inventory and Appraisal. There is no inventory attached. Need same.
3. Need to file notice of hearing and proof of service.
4. Proposed order is incomplete as to item 9b as it does not fully incorporate the names/addresses of the persons entitled to succeed to decedent's interest in real property. Please submit new proposed order.

RECOMMENDATION:

Need to clear notes.

(gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

-----  
DATE: 05/01/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0800283

CASE NAME: RUTH LEIST DUNNUCK

HEARING:

Petition for Probate, Letters of Tstmnty with full authority  
under IAEA.

COUNSEL:

GENE A BERMONT (PET)...IGNAZIO FICARA  
RUTH LEIST DUNNUCK (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Probate and for Letters Testamentary  
with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond.
2. Need to file proof of subscribing witness.

RECOMMENDATION:

RFA subject to note 2. If approved, set hearing on filing inventory and appraisal for  
12/4/08. Set hearing on accounting review for 7/9/09. Accounting to be filed 30 days in  
advance.

(gls)

Superior Court of Calif, County of San Bernardino

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CIVCAL4

Superior Court - Redlands - Probate

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08

TIME: 9:00

DEPT: E1  
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CASE #: SPRSS04730

CASE NAME: ESTATE OF WALLACE F. POWELL

**SEE ALSO 15**

HEARING:

Accounting Review

COUNSEL:

MARTIN E. KELLER

(PET)...MARTIN E KELLER

WALLACE F. POWELL

(DEC)...

WILLIAM J BRUNICK

(TP )...BRUNICK BATTERSBY MCELHANEY &

WALLACE F POWELL

(MARC W INGERSOLL )...MARC W IN

GENERAL INFORMATION:

On 6/22/06 readiness calendar, court noted that issues have been resolved and an 8/25/06 accounting review was set. Unclear whether court was to revisit old accounting on file or if petitioner to file new accounting by this date. Old notes for prior accounting are set forth below for informational purposes.

This case is set for hearing on Accounting Review.

Related matter next page, spouse's estate

**Continued several times and last from 2/21/08 at request of counsel to file an amended accounting. Nothing new filed.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Need to file notice of hearing on beneficiary and upon special notice (Brunick).
2. Sole heir for both estates (Wallace and Lorraine) is Harold Humphrey (nephew), as neither decedent survived the other as outlined in the wills.
3. Never filed the financial statements with the I & A. Must file now.
4. Need to explain the discrepancy between the first I & A and the "Final".
5. Attorney Keller, in pro per as the executor, is requesting his statutory commission of \$14,517.63. Need to have the I & A difference explained prior to granting the commission request. [Under PC 10804, a personal representative who is an attorney can only receive the compensation as a representative. Any fees as an attorney must be approved in advance and must be to the advantage, benefit and best interests of the decedent's estate.]



6. Unclear whether the request for statutory commissions is correct. It should be based upon the I & A value of estate, plus gains over the appraisal value on sales, plus receipts, less losses from the appraised value on sales. The accounting does not include all of these schedules. Also, the "Receipts" schedule is not accurate for purposes of calculating value of estate, since it includes the net proceeds from the sale of the house (which would be calculated as to the gain/loss on sales price). Need to file appropriate schedules, per statute.
7. What is a schedule for "Reduction" of assets? "Reduction" is not a term used in PC 1061. Instead, supposed to be reporting the losses on sale or other disposition. Need to correct.
8. Petition filed by Keller, in pro per, on 3-20-02. Substitution of Attorney to Brunick on 5-9-02. Letters/order under Keller, pro per. No further activity in file until 6-20-03, when Keller filed a Petition for Orders relating to the estate. On that date, substitution of attorney was filed, back to Keller in pro per. Petitioner is requesting that Brunick be paid \$2500 in fees. Question here: no pleadings were filed by Brunick. The estate petition was filed by Keller in pro per. There are no estate pleadings filed by Brunick. What statutory services did Brunick render? Need verified supplement as to the basis for paying \$2500 to Brunick. What statutory services provided?
9. Disbursements mix the expenses of estate of Wallace Powell with the expenses of Lorraine Powell. It has been suggested that the disbursements be split evenly. JTD
10. Questions re: disbursements:
  - a. Who is Phil Habell Why paid \$1548.45? and then later amounts?
  - b. What was Harold Humphrey given money for?
  - c. Who is Benito Mora?
  - d. Luis Baeza?
  - e. Miguel Mateo?
  - f. What happened to the \$7850 in cash taken by executor? Need verified supplement to explain all of these issues.
8. Questions re: receipts:
  - a. Why was the 2001 Honda Civic sold to Mariah Humphrey for \$1?
  - b. Disparity in accounting from Lorraine, which lists all receipts in joint form. Does not list the Pacific Life Insurance Company receipt. The receipt from Wallace's estate lists that entry. Explain. This also affects the amount of assets on hand as reported in the two estates. Need verified supplement to explain these issues.
11. Need to report actions taken under IAEA power, such as sales of property. Need to indicate loss/gain on sale of real property, and as to all assets. For example, what happened to the coins? The jewelry? The gun? The household furnishings? No indication that these items of personal property were sold, but they do not appear on the list of property currently on hand. What happened to them? File verified supplement.
12. What happened to all the bank accounts? What about cash? The Treasury Direct Account? File verified supplement.

13. What happened to the Harold Humphrey promissory note? File verified supplement.

**RECOMMENDATION:**

Need to clarify whether new accounting will be filed or whether proceeding on prior accounting (in which case, need to clear notes as set forth above).

(/gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 9:00 DEPT: E1  
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CASE #: SPRSS04731

CASE NAME: ESTATE OF LORRAINE B. POWELL

**SEE ALSO 14**

HEARING:  
Accounting Review

COUNSEL:

MARTIN E. KELLER (PET)...MARTIN E KELLER  
LORRAINE B. POWELL (DEC)...  
WILLIAM J BRUNICK (TP )...BRUNICK BATTERSBY MCELHANEY &

See prior notes (matter 14) – same issues in both cases as husband/wife estates.

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 9:00 DEPT: E1  
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CASE #: SPRSS06118

CASE NAME: MTR RE GREGORY OGIE TRUST

HEARING:  
Accounting Review

COUNSEL:  
BANK OF THE WEST (TEE)...JOHN A PAYNE

GENERAL INFORMATION:

6<sup>th</sup> Account is due for the period: 9/1/05 – 8/31/07

**continued from 2/28/08. No appearance and nothing new filed.**

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting is filed.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in  
Pr.C. § 2620.2.

(gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 9:00 DEPT: E1  
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CASE #: SPRSS06161

CASE NAME: ESTATE OF WILLIAM L FRAKES

HEARING:  
Hearing re Final Discharge

COUNSEL:  
TOMMIE WAISMAN (PET)...SKOUSEN & SKOUSEN  
WILLIAM L FRAKES (DEC)...

GENERAL INFORMATION:  
Order for Final Distribution granted 6/21/07

THIS CASE IS SET FOR HEARING ON filing receipts and final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Receipts are filed. Need to submit final discharge declaration.

RECOMMENDATION:  
Find out status.  
(gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 9:00 DEPT: E1  
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CASE #: SPRSS06519

CASE NAME: MTR OF JOHNNIE B LAMBERT

HEARING:  
Hearing Re: STATUS REPORT.

COUNSEL:  
HARRY GODGREY LAMBERT SR (PET)...EDWARD B FISCHER  
JOHNNIE B LAMBERT (DEC)...  
EVELYN D DOLPHIN (PET)...JERRY LA CUES

GENERAL INFORMATION:

Letters Testamentary issued 9/1/06 (full authority, no bond)

**Continued from 12/13/07 and 2/28/08. On 2/28/08, the court orders accounting filed within 30 days. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner alleges the estate is not yet in a position to close as the real property has not yet sold. Petitioner requests authority to continue the estate administration, but does not indicate the time in which is needed to close the estate.
2. **Objections filed by Harry Lambert, son and beneficiary, alleging that petitioner has not inventoried other personal property items together with a Palm Springs Condo. Moreover, objector alleges that the petitioner has not alleged whether she is collecting rent on the 9<sup>th</sup> Street property. Objector requests that the court order the executor to account within 30 days.**

RECOMMENDATION:

Court's discretion.

(/gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 9:00 DEPT: E1  
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CASE #: SPRSS06707

**VACATED – FINAL INVENTORY FILED**

CASE NAME: MTR OF EMMA DUNBAR

***SEE ALSO 20***

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

KIBIBI STORMS

(PET)...SEAVER & GILL

EMMA DUNBAR

(DEC)...

WILMA J NEZART

(PET)...

INHERITANCE FUNDING COMPANY IN(TP )...STEVEN D SCHROEDER

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 9:00 DEPT: E1  
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CASE #: SPRSS06707

**VACATE – FIRST AND FINAL ACCOUNT FILED**

CASE NAME: MTR OF EMMA DUNBAR

**SEE ALSO 19**

HEARING:  
Accounting Review

COUNSEL:

KIBIBI STORMS	(PET)...	SEAVAR & GILL
EMMA DUNBAR	(DEC)...	
WILMA J NEZART	(PET)...	
INHERITANCE FUNDING COMPANY IN(TP )...STEVEN D SCHROEDER		



Superior Court of Calif, County of San Bernardino

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR  
HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 9:00 DEPT: E1  
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CASE #: SPRSS06781

CASE NAME: EST OF MORRIS JOSEPH HAYES

HEARING:

FIRST & FINAL Account and Report of HELEN MARIE GIBBS and  
Petition for allowance of fees filed.

COUNSEL:

HELEN MARIE GIBBS (PET)...E. JOAN NELMS  
MORRIS JOSEPH HAYES (DEC)...

GENERAL INFORMATION:

**Continued from 2/21/08 to file an amended accounting. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Final  
Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1 Final inventory is filed, however, inventory includes spouse's 1/2 interest in net sales proceeds (\$241,047.10) and statutory compensation is calculated on the whole. Need corrected inventory.
3. Petitioner requests statutory commissions of \$13,064.25. However, the statutory basis should be reduced by \$241,047.10 and thus, statutory fees calculate to \$7,820.94.
4. Attorney requests statutory fees of \$13,064.25. However, the statutory basis should be reduced by \$254,196.72 and thus, statutory fees calculate to \$7,820.94.
5. Petitioner requests authority to withhold \$2,000. Ok.
6. One of the addresses of the beneficiaries, Mary Ellen Blair, is unknown. Question how petitioner will distribute her share? Will it be to the County Treasurer? File verified supplement.

RECOMMENDATION:

Need to clear notes  
(gls/cbr/gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 9:00 DEPT: E1  
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CASE #: SPRSS06973

CASE NAME: EST OF BRAE GENE JUNTUNEN

HEARING:  
Accounting Review

COUNSEL:  
NANCY VAUGHN (PET)...SUZANNE M GRAVES  
BRAE GENE JUNTUNEN (DEC)...  
ST. BERNARDINE MEDICAL CENTER (TP )...BONNIE J KNAPP  
UNION BANK OF CALIFORNIA ( )...

GENERAL INFORMATION:

Letters of Administration issued 4/5/07 (full authority, \$93,000 bond) although petitioner was appointed on 6/9/06

**Continued from 8/16/07, 1/10/08 and 3/20/08 at request of counsel. Counsel states that they have not been able to contact their client. Court orders Nancy Vaughn to personally appear at next hearing. Counsel to serve notice upon Nancy Vaughn.**

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. No accounting and/or status report is filed. On 1/10/08, attorney indicated counsel was trying to contact client.
2. Notice has been served upon Nancy Vaughn

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq. Clerk to notice bonding company.  
(/gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 9:00 DEPT: E1  
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CASE #: SPRSS07043

CASE NAME: ESTATE OF DOROTHY CAMPBELL

HEARING:

Hearing Re: REPORT OF STATUS OF ADMINISTRATION.

COUNSEL:

EDDIE BEATRICE HILL (PET)...MATSUNGA & ASSOCIATES  
DOROTHY CAMPBELL (DEC)...

GENERAL INFORMATION:

**Continued from 3/20/08. Court orders that proof of payment of bond premium is to be filed before status report is approved.**

THIS CASE IS SET FOR HEARING ON Report of Status of Administration

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of Administration issued 12/7/05 (full authority, \$245,000 bond)
2. Petitioner alleges the estate is not in a position to close as it has been discovered that the estate's real property was fraudulently transferred and conveyed to a third party who had no legitimate legal interest in said property. In addition, there is a fraudulent deed of trust executed by the third parties in an amount of \$400,000 or more. Petitioner must now take action to quiet title on the real property. Petitioner requests an additional six months to continue the estate administration.
3. No objections or request for accounting has been filed.
4. Notice of non-payment of bond premium filed indicating a premium of \$1,160 is past due. **Bond company files a statement indicating that the bond premium has been paid in full.**
- 5.

RECOMMENDATION:

Court's discretion. If approved, set next accounting review for 10/2/08.  
(gls/kra/gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 9:00 DEPT: E1  
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CASE #: SPRSS07145

CASE NAME: MTR OF TRINIDAD GWINNER

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

JOHNNY ORLANDO CHAVEZ (PET)...MICHAEL SACKS  
TRINIDAD GWINNER (DEC)...

GENERAL INFORMATION

**Continued from 9/10/07, 10/22/07, 12/6/07 and 2/28/08 at request of counsel. On 2/28/08, counsel states that his law office caught fire and file and smoke damage caused to file. Counsel to complete and file I & A. Court questions notice of proposed actions that have been filed. Court orders petitioner to file a report/receipt regarding what administrator has been paid and what funds are being held in a separate account. Report to be filed 30 days in advance of this hearing.**

THIS CASE IS SET FOR HEARING ON Hearing re I&A.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Probate petition granted 3/5/07, no bond.
2. No I&A filed. Need same.
3. Need report on what administrator has been paid and what funds are being held in a separate account.

RECOMMENDATION

When an inventory and appraisal is not filed as ordered, the court may set hearing in accord with Pr. C. §§ 8804 and/or 8505.

(/gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 9:00 DEPT: E1  
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CASE #: SPRSS07191

CASE NAME: ESTATE OF THOMAS J WALKER

HEARING:  
Waiver of account and for final distribution.

COUNSEL:  
DEBRA ORPIN (PET)...GARY W MORRIS  
THOMAS J WALKER JR (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Waiver of Account and Petition for Final  
Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Both residual heirs have waived an accounting.
2. Petitioner waives statutory compensation.
3. Attorney requests statutory fees of \$15,128.34. Ok.
4. Attorney requests reimbursement of costs advanced of \$3,716.15. Itemized. Ok.

RECOMMENDATION:

RFA. If approved, court to set hearing on filing receipts and final discharge for 5/7/09.  
(gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH **CONSERVATORSHIP**

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DATE: 05/01/08 TIME: 10:30 DEPT: E1  
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CASE #: CONPS0800031

CASE NAME: JOSE JUAN PADRON RODRIGUEZ

HEARING:  
Hearing Re: Bond Review and Report of Counsel.

COUNSEL:  
EVELYN JENNIFER PADRON (PCR)...PATRICK L. HANRAHAN  
JOSE JUAN PADRON RODRIGUEZ (PCE)...MITCHELL I ROTH

GENERAL INFORMATION:  
Letters of Conservatorship (person and estate) issued 3/20/08, no bond

THIS CASE IS SET FOR HEARING ON re Bond Review and Report of Counsel

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On original petition for appointment of conservator, petitioner alleged conservatee's assets were unknown but believed to be minimal.
2. On 3/20/08, court appointed Attorney Roth as counsel for conservatee. Need report of counsel.

RECOMMENDATION:  
Court's discretion  
(gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

-----  
DATE: 05/01/08 TIME: 10:30 DEPT: E1  
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CASE #: CONPS0800069

CASE NAME: BRADY MONROE LOSER II

**SEE ALSO 28**

HEARING:  
Petition for Appointment of Conservator

COUNSEL:  
KIMBERLY LOSER (CPE)...IGNAZIO  
BRADY MONROE LOSER II (CEP)...

GENERAL INFORMATION:

Temporary Letters issued 4/15/08 3/24/08 with bond fixed at \$73,000.

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Conservator, person and estate, by mother

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests bond be fixed at \$73,000. Appears adequate.
2. Petitioner requests medical powers. Medical Capacity Declaration filed in support.
3. Petitioner alleges proposed conservatee is developmentally disabled. Court must appoint counsel for proposed conservatee per Pr.C. §1471.
4. Court Investigator's report filed.
5. Need report from Inland Regional Center.
6. Proposed conservatee will attend the hearing.

RECOMMENDATION:

Court must appoint counsel for proposed conservatee. Need IRC report.  
(gls/kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 10:30 DEPT: E1  
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CASE #: CONPS0800069

CASE NAME: BRADY MONROE LOSER II

**SEE ALSO 27**

HEARING:

Petition for Authority to Consent to Medical Treatment.

COUNSEL:

KIMBERLY LOSER (CPE)...IGNAZIO

BRADY MONROE LOSER II (CEP)...

See prior notes (matter 27)



CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR  
HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 10:30 DEPT: E1  
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CASE #: CONPS0800071

CASE NAME: RACHEL KRUEGER

HEARING:

Petition for Appointment of Conservator

COUNSEL:

HEIDI CASTRO (CPE)...LAW OFFICES OF JASON YANG, PLC

RACHEL KRUEGER (CEP)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Conservator, person and estate, by daughter

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests bond be waived as petitioner is the daughter of proposed conservatee and the only family member willing to care for proposed conservatee. This is not a sufficient reason to waive bond. However, the liquid assets of the conservatorship estate are estimated in a negative amount. Court could waive bond per Pr.C. §2323. JTD
2. Petitioner requests medical and dementia powers. Need to file Medical Capacity Declaration.
3. As dementia powers are requested, court must appoint counsel for proposed conservatee and need report of counsel.
4. Petitioner requests powers per Pr.C. §2590.
5. Petitioner requests the court to vacate a Grant Deed recorded 9/28/07 which took the proposed conservatee's residence out of the name of the Rachel Krueger's Revocable Living Trust and into a joint tenancy with Dallas Krueger (proposed conservatee's spouse). This is not the proper petition for this request. Petitioner may wish to make a separate petition under Pr.C. §850.
6. Court Investigator's report filed
7. Proposed conservatee will attend the hearing.

RECOMMENDATION:

Court must appoint counsel for proposed conservatee. Need to clear remaining notes.  
(gls/kra)

Superior Court of Calif, County of San Bernardino

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CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR  
HONORABLE JUDGE J MICHAEL WELCH

-----  
DATE: 05/01/08 TIME: 10:30 DEPT: E1  
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CASE #: RC RS00411

CASE NAME: EFRAIN CORDEZ DOMINGUEZ

HEARING:

FIFTH Account and Report of LAWRENCE A DEAN II and Petition for allowance of fees filed.

COUNSEL:

LAWRENCE A DEAN II (PET)...SHERRI L KASTILAHN  
EFRAIN CORDEZ DOMINGUEZ (PCE)...

GENERAL INFORMATION:

Accounting covers period:10/1/06 – 9/30/07

Assets on hand: \$22,954.34 (cash of \$14,574.34 and the balance in burial preneed)

THIS CASE IS SET FOR HEARING ON Fifth Account Current and Petition for Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests fees of \$5,052.50. Billed at various rates for various services not exceeding \$85/hour. Itemized. JTD
2. Attorney requests fees of \$2,081.25. Billed at \$225/hour for 9.25 hours. Itemized. JTD
3. Petitioner alleges the current bond of \$110,000 is excessive and requests the bond be reduced to \$30,000. However, with the current value of assets on hand, estimated annual income, bond recovery cost (CRC 7.207), giving credit for fees requested above, bond should be reduced to \$47,500.
4. The summary of account is not set forth on the mandatory Judicial Council form (GC-400/405). Court may wish to instruct petitioner to file the mandatory form(s) next accounting period.
6. On disbursements there are the following inquiries:
  - (a) On 2/26/07, there is a payment to Lorena Lacour for a television in the amount of \$500.00. There is no personal property listed on assets on hand. Question if the television is in conservatee's room at Chino Hills Homecare? The television should be listed on assets on hand.

- (b) On 5/24/07 there is a payment to Lorena Lacour for clothing in the amount of \$500.00. There are no receipts for this/these purchases. Does court wish to require receipts for the \$500.00 expenditure? JTD

RECOMMENDATION:

Need to clear note 6. Court's determination of fees and bond reduction. If approved, set next accounting review for 5/6/10. Accounting t5o be filed 30 days in advance.

(gls)

Superior Court of Calif, County of San Bernardino

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CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR  
HONORABLE JUDGE J MICHAEL WELCH

-----  
DATE: 05/01/08 TIME: 10:30 DEPT: E1  
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CASE #: RC RS00611

CASE NAME: SYLVESTER S BARS

HEARING:

first/current Account and Report of ARTHUR A CAPPILIA and  
Petition for allowance of fees filed.

COUNSEL:

ARTHUR A CAPPILIA (PET)...BARBARA E BOWERSOCK  
SYLEVESTER S BARS (CEE)...LENITA A SKORETZ

GENERAL INFORMATION:

Accounting covers period: 1/24/07 – 1/24/08

Assets on hand: \$65,297.03 (all cash)

THIS CASE IS SET FOR HEARING ON First Account Current and Petition for Allowance  
of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests fees of \$3,487.50. Billed at \$90/hour for 38.75 hours.  
Itemized. JTD
2. Petitioner requests authority to receive periodic payments of \$150/month to  
be applied to future fees commencing 2/1/08. JTD
3. Attorney requests fees of \$4,886.00. Billed at \$300/hour for 21.30 hours.  
Itemized. Judge to decide if hourly rate is reasonable.
4. Petitioner requests that the current bond of \$60,000 be increased to  
\$97,000. However, with the current balance of assets on hand, estimated  
annual income, bond recover costs (CRC 7.207), giving credit for fees  
requested above, bond should be increased to \$103,000 (a total increase of  
\$43,000).
5. Court may wish to review CI report of 1/28/08 (tabbed)

RECOMMENDATION:

Court's discretion re fees and bond increase. If approved, set next accounting review for  
5/6/10.

(gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

-----  
DATE: 05/01/08 TIME: 10:30 DEPT: E1  
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CASE #: SC SS00954

CASE NAME: IN THE MATTER OF CLIFFORD L FREDERICK

HEARING:

Petition for AFFIDAVIT TO DISPENSE WITH NEED FOR ACCOUNTING

COUNSEL:

CLIFFORD L FREDERICK (CPE)...  
NORMA FREDERICK (CPE)...J. DAVID HORSPOOL

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Waiver of account (Pr.C.§2628)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Accounting period covers 2/27/06 – 2/26/08.
2. Public Guardian petitions for waiver of accounting as a matter of law per Pr.C.§2628 on basis assets are less than \$7,500 and income was less than \$1,000 exclusive of public benefits.
3. No oppositions filed at the time of review of this file.

#### RECOMMENDATION:

If approved court to set next hearing re Accounting Review for **5/6/10**. Accounting to cover the period of 2/27/08 – 2/26/10. Any accounting to be filed 30 days in advance.

(kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

-----  
DATE: 05/01/08 TIME: 10:30 DEPT: E1  
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CASE #: SC SS01583

CASE NAME: MTR OF FRANK D. WETHERILL

HEARING:

FOURTH AND FINAL Account and Report of PETER C. WETHERILL and  
Petition for allowance of fees filed.

COUNSEL:

PETER C. WETHERILL (CPE)...JAMES  
FRANK D. WETHERILL (CEP)...

GENERAL INFORMATION:

Accounting covers period: 2/1/05 – 8/31/07

Assets on hand: \$1,238,554.16

The conservatee died on 12/19/06

THIS CASE IS SET FOR HEARING ON Fourth & Final Account and Petition for  
Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests fees of \$11,250.07. Petitioner alleges that an average of 15 hours per month has been spent over the 30 months of this accounting period. However, no hourly rate is set forth. Also, need itemization of services rendered. File verified supplement.
2. Attorney requests fees of \$6,666.00. Billed at \$225-\$295/hour for attorney time and \$50-\$125/hour for paralegal time for a total of 61.9 hours. Itemized. JTD
3. Petitioner requests that the blocked accounts be ordered released to petitioner as Trustee of the Trust for payment and distribution pursuant to the trust terms.
4. On disbursements, there are the following inquiries which require verified supplement:
  - (a) On 7/12/05 – “check issued” in the amount of \$2,736.00. To whom was the check issued and for what purpose?

- (b) On 7/12/05 – “check issued” in the amount of \$1,860.00. To whom was the check issued and for what purpose?
- (c) On 12/27/05 – “check issued” in the amount of \$17,293.00 and sent over seas. To whom was the check issued and for what purpose?
- (d) Throughout the accounting there are disbursements to “Dorothy Bronnily” for “supplies”. There is no itemization for these supplies. Need same.
- (e) On 9/28/06 and 12/13/06, there are payments to “Thomas Construction” for “home repairs” totaling \$12,892.84. Question what repairs were made?

**RECOMMENDATION:**

Need to clear notes.

(gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

-----  
DATE: 05/01/08 TIME: 10:30 DEPT: E1  
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CASE #: SC SS02191

CASE NAME: MTR OF RYAN EUGENE DURALIA

**SEE ALSO 34A**

HEARING:

Hearing Re: STATUS.

COUNSEL:

PAUL DURALIA (CPE)...

MICHELLE DURALIA (CPE)...ANNETTE G DE BELLEFEUILLE

RYAN EUGENE DURALIA (CEP)...

GENERAL INFORMATION:

On 10/4/07, the court orders Inland Regional Center to prepare report regarding status/location of conservatee if information is available and then set this review date Continued from 12-6-07. Court orders Conservator to be present at 2-28-08 hearing. Nothing new filed.

**Last continued from 2/28/08. Attorney deBellefeuille states she has not heard from her client in over 4 years. Counsel states Paul Duralia is deceased. Attorney deBellefeuille to file due diligence search for client and motion for withdrawal. Court refers matter to Court Investigator for investigation and recommendation on Ryan Duralia and inform whether matter should be transferred to San Diego County and/or if Public Guardianship should be involved or if conservatorship can be handled within IRC. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON Status

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. IRC report is filed indicating that the conservatee's case was transferred to San Diego Regional Center on 7/19/07

RECOMMENDATION:

Court's discretion.

(/gls)



CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

-----  
DATE: 05/01/08 TIME: 10:30 DEPT: E1  
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CASE #: SC SS02191

CASE NAME: MTR OF RYAN EUGENE DURALIA

**SEE ALSO 34**

HEARING:

Hearing Re: Motion for Withdrawal by Annette De Bellefeuille.

COUNSEL:

PAUL DURALIA (CPE)...  
MICHELLE DURALIA (CPE)...ANNETTE G DE BELLEFEUILLE  
RYAN EUGENE DURALIA (CEP)...

No calendar notes will be prepared. Judge to decide.

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

-----  
DATE: 05/01/08 TIME: 10:30 DEPT: E1  
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CASE #: SC SS02219

CASE NAME: MATTER OF MARIAN DRAYMAN

**SEE ALSO 36 36A 37**

HEARING:

Petition for SUSPENSION OF POWERS AND SURRENDER OF ESTATE FOR  
APPTMT OF TEMPORARY SUCCESSOR ETC

COUNSEL:

LINDA JOHNSON	(CPE)...C.L. FARRELL
MARIAN DRAYMAN	(CEP)...JAMES B CHURCH
CARYN VELASCO	(OBJ)...PRO/PER
BARBARA DRAYMAN	(PRO/PER )...PRO/PER

GENERAL INFORMATION

Continued from 6/21/07 and 7/30/07 at request of counsel. Nothing new filed.

**Continued from 9/17/07, 11/19/07, 1/31/08 and 3/27/08 at request of counsel. On 11/19/07 and 1/31/08, the court notes that Attorney Church is to file a petition to dismiss once account has been filed.**

THIS CASE IS SET FOR HEARING ON Petition for suspension of powers of conservator, to surrender estate, for appointment of temporary successor, and for accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Linda Johnson was appointed conservator of the person and estate in 2002. She is also the successor trustee of conservatee's 1999 trust.
2. Conservatee (via appointed counsel) now petitions for suspension of conservator's powers; to compel turnover of assets; for appointment of PG as temporary successor conservator, temporary custodian of the estate, and temporary successor trustee; for removal of current conservator; for appointment of PG as successor conservator of person and estate; for citation of current conservator/trustee to appear re OSC re removal (and for relief to compel accounting which is mentioned in the title and body of the brief but not in the prayer).

3. Petitioner proceeds per Pr.C. 2650 (removal for cause) on the basis that respondent has not visited conservatee in months, has failed to account in a timely manner.
4. Need notice of hearing and proof of service, including service upon PG.
5. **Court Investigator biennial report filed for court's review.**

#### RECOMMENDATION

Need notice, then court's discretion re issuing temporary relief and issuing citation for OSC re removal.

(/gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

-----  
DATE: 05/01/08 TIME: 10:30 DEPT: E1  
-----

CASE #: SC SS02219

CASE NAME: MATTER OF MARIAN DRAYMAN

**SEE ALSO 35 36A 37**

HEARING:

FIRST AND FINAL Account and Report of LINDA JOHNSON and Petition  
for allowance of fees filed.

COUNSEL:

LINDA JOHNSON	(CPE)...	C.L. FARRELL
MARIAN DRAYMAN	(CEP)...	JAMES B CHURCH
CARYN VELASCO	(OBJ)...	PRO/PER
BARBARA DRAYMAN	(PRO/PER	)...PRO/PER

See notes in matter 36A

Superior Court of Calif, County of San Bernardino

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CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

-----  
DATE: 05/01/08 TIME: 10:30 DEPT: E1  
-----

CASE #: SC SS02219

CASE NAME: MATTER OF MARIAN DRAYMAN

**SEE ALSO 35 36 37**

HEARING:

SECOND AND FINAL Account and Report of LINDA JOHNSON and  
Petition for allowance of fees filed.

COUNSEL:

LINDA JOHNSON	(CPE)...	C.L. FARRELL
MARIAN DRAYMAN	(CEP)...	JAMES B CHURCH
CARYN VELASCO	(OBJ)...	PRO/PER
BARBARA DRAYMAN	(PRO/PER	)...PRO/PER

GENERAL INFORMATION:

1999 Trust Accounting covers period: 7/1/04 – 11/19/07

Assets on hand: \$0.00

**Continued from 1/31/08 and 3/27/08 at request of counsel.**

THIS CASE IS SET FOR HEARING ON Second and Final Account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file notice of hearing and proof of service.
2. Petitioner and attorney reserve their rights to request reasonable trustees fees and attorney's fees and reimbursement of costs in the administration of the within 1999 Trust.
3. Petitioner requests that the 1999 Trust Administration terminate nunc pro tunc as of 7/22/05 as the assets were transferred to the Special Needs Trust on that date.

RECOMMENDATION:

Need notice and then court's discretion. If approved, court to set hearing on filing receipts and final discharge for 4/2/09.

(/gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

-----  
DATE: 05/01/08 TIME: 10:30 DEPT: E1  
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CASE #: SC SS02219

CASE NAME: MATTER OF MARIAN DRAYMAN

**SEE ALSO 35 36 36A**

HEARING:

VERIFIED SECOND AND FINAL Account and Report of LINDA JOHNSON,  
MARIAN DRAYMAN and Petition for allowance of fees filed.

COUNSEL:

LINDA JOHNSON	(CPE)...	C.L. FARRELL
MARIAN DRAYMAN	(CEP)...	JAMES B CHURCH
CARYN VELASCO	(OBJ)...	PRO/PER
BARBARA DRAYMAN	(PRO/PER	)...PRO/PER

GENERAL INFORMATION **continued from 11/19/07, 1/31/08 and 3/27/08 at request of counsel.**

THIS CASE IS SET FOR HEARING ON 2<sup>nd</sup> & final account of Conservator and petition for fees and termination of conservatorship of the estate only

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Accounting period covers 7/1/04 – 1/13/06.
2. Petitioner alleges there are zero assets on hand at the end of this accounting period.
3. On 4/25/05 the court established the Marian Drayman Special Needs Trust to be funded with any and all assets currently held in the Conservatorship estate. Petitioner alleges that the funds from the sale stocks and of conservatee's residence upon close of escrow were placed in an attorney-client trust account. Per order of Substituted Judgment effective 10/22/04 all assets of the conservatorship were deemed assets of the Trust. Thus the proceeds were released and transferred to Linda Johnson as Trustee of the Special Needs Trust. Need receipts from trustee.
4. As no assets remain in the conservatorship, Conservator requests termination of the Conservatorship of the estate. Petitioner also, states that an amended

order and letters allowing petitioner to continue as the Conservator of the Person are attached.

5. Petitioner requests all bonds issued as conservator be exonerated.
6. Attorney reserves to request fees in a separate petition.
7. Trustee's bond is \$161,000. It would appear bond is insufficient. Court may wish to set OSC re Bond increase re Special Needs Trust.

#### RECOMMENDATION

If approved court to set hearing re filing receipts and final discharge for 5/7/09.

Set hearing re bond increase re Special Needs Trust.

(/gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

-----  
DATE: 05/01/08 TIME: 10:30 DEPT: E1  
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CASE #: SC SS02243

CASE NAME: MTR OF JACQUELINE MARLER

HEARING:

THIRD Account and Report of JOHN JOHANNES and Petition for allowance of fees filed.

COUNSEL:

JOHN JOHANNES (CPE)...FULLERTON LEMANN SCHAEFFER & D  
JACQUELINE MARLER (CEP)...

GENERAL INFORMATION:

Accounting covers period: 10/16/05 – 10/31/07

Assets on hand: \$598,042.41 (cash of \$597,392.41 and the balance in personal property items)

THIS CASE IS SET FOR HEARING ON Third Account Current and Petition for Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The Summary of Account is not on the mandatory Judicial Council form (GC-400/405). Also, since petitioner has submitted a standard accounting receipts and disbursements must be categorized per CRC 7.575. Does court wish to require or inform petitioner that in future accountings mandatory Summary of Account with categorization is required? JTD
2. Petitioner requests fees \$4,752.00. Billed at \$12/hour for 396 hours. Itemized. JTD
3. Attorney requests fees of \$6,240.50. Billed at \$200-\$250/hour for attorney time and \$50-\$75/hour for paralegal time for a total of 61 hours. Itemized. JTD
4. Petitioner requests that bond be reduced from \$767,000 to \$600,000. However, with the current value of assets on hand, estimated annual income, bond recovery costs (CRC 7.207) giving credit for fees requested above, bond should be fixed at \$703,500 a total reduction of \$63,500. JTD



5. Need original bill statement for Milam Manor per Pr.C. §2620(c)(5)

**RECOMMENDATION:**

Court's discretion re note 1, bond reduction and fees request. Need to clear note 5. If approved, set next accounting review for 5/6/10. Accounting to be filed 30 days in advance.

(gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 10:30 DEPT: E1  
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CASE #: SC SS02477

CASE NAME: MATTER OF HELEN COOPER

HEARING:

FOURTH AND FINAL Account and Report of MELODIE Z SCOTT and  
Petition for allowance of fees filed.

COUNSEL:

MELODIE Z SCOTT	(CPE)...	J. DAVID HORSPOOL
HELEN COOPER	(CEP)...	DONNA STURGILL DIAZ

GENERAL INFORMATION:

Accounting covers period: 9/1/06 – 11/30/07

Assets on hand: \$194,955.64 (cash of \$153,480.89 and the balance in annuities)

The conservatee died on 10/21/07

THIS CASE IS SET FOR HEARING ON Fourth & Final Account and Petition for  
Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests fees of \$8,717.35, of which \$7,000 has been paid in periodic payments, leaving a balance due of \$1,717.35. Billed at various rates for various services not exceeding \$105/hour for a total of 155 hours. Itemized. JTD
2. Attorney requests fees of \$4,652.50. Billed at \$225-\$275/hour for attorney time and \$100/hour for paralegal time for a total of 19.9 hours. Itemized. JTD
3. In petitioner's time entries, there are services rendered in reviewing real property information and paying property tax assessments for real property at 32323 St. Andrews. However, there is no real property listed on the assets on hand. Question whether a supplemental inventory should be prepared and an amended schedule of property on hand to include such real property? File verified supplement.

4. Petitioner proposes to distribute the balance of cash on hand to the personal representative of the estate of Helen Cooper.

**RECOMMENDATION:**

Need verified supplement re note 3. If approved, court to set hearing on filing receipts and final discharge for 5/7/09.

(gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 10:30 DEPT: E1  
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CASE #: SC SS02721

CASE NAME: MTR OF DARYL BAKER

HEARING:

THIRD / CURRENT Account and Report of PAUL DARYL BAKER and  
Petition for allowance of fees filed.

COUNSEL:

PAUL DARYL BAKER	(CE )...J. DAVID HORSPOOL
BETTY BAKER	(PET)...RICHARD E BAWDEN
DARYL BAKER	(CEE)...PRO/PER

GENERAL INFORMATION:

Accounting cover period: 12/9/06 – 12/8/07

Assets on hand: \$176,386.21 (cash of \$130,529.19 and the balance in personal property)

THIS CASE IS SET FOR HEARING ON Third Account Current and Petition for Allowance  
of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests fees of \$7,800.00. Billed at \$15.00/hour for 520 hours (10 hours/week). Generally itemized. JTD
2. Attorney requests fees of \$5,090.00. Billed at \$275/hour for attorney time and \$100/hour for paralegal time for a total of 22.2 hours. Itemized. JTD
3. Petitioner alleges the current bond of \$195,000 is sufficient. However, with the current value of assets on hand, estimated annual income, bond recover costs (CRC 7.207), giving credit for fees requested above, bond should be increased to \$200,500 (an increase of \$5,500). JTD
4. Petitioner has taken a reimbursement totaling \$8,708.38 during the accounting period. Need itemization for the purpose of such reimbursements. File verified supplement.

5. Need original bill statements for Grossmont Gardens per Pr.C. §2620(c)(5).
6. Note Court Investigator's report. The conservator/conservatee both reside in San Diego County. Question whether court wishes to transfer case to San Diego County? JTD

**RECOMMENDATION:**

Need to clear notes 4 & 5. Court's discretion re fee requests, increased bond and change of venue to San Diego County. If approved, and case not transferred, set next accounting review for 5/6/10. If case is transferred, set review date re status (suggest 30 days)  
(gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 10:30 DEPT: E1  
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CASE #: SC SS02725

CASE NAME: MTR OF PRESTON LEE MATHIS

HEARING:

THIRD Account and Report of GORDON E ADAMS and Petition for allowance of fees filed.

COUNSEL:

GORDON E ADAMS (CPE)...J. DAVID HORSPOOL  
PRESTON LEE MATHIS (CEP)...J. DAVID HORSPOOL

GENERAL INFORMATION:

Accounting covers period: 9/14/06 – 12/31/07

Assets on hand: \$16,136.72 (all cash)

THIS CASE IS SET FOR HEARING ON Third Account Current and Petition for Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests fees of \$4,557.50. Billed at various rates for various services not exceeding \$75/hour. Itemized. JTD
2. Attorney requests fees of \$1,910.00. Billed at \$225-\$275/hour for attorney time and \$100/hour for paralegal time for a total of 9.6 hours. Itemized. JTD
3. Petitioner alleges the current bond of \$70,000 is sufficient. However, with the current value of assets on hand, estimated annual income, bond recovery costs (CRC 7.207), giving credit for fees requested above, bond should be increased to \$75,000 (a total increase of \$5,000). JTD
4. Petitioner alleges that during the accounting period the conservatee surrendered possession of his 2001 Ford Explorer to a dealer in exchange for a payment. When the dealer later discovered that there was an outstanding lien on the vehicle, the dealer rescinded the sale and charged conservatee \$75/day for storage. When the finance company discovered the vehicle had been "sold" by the conservatee, they repossessed it. Thereafter, the mother of the conservatee (co-obligore of the auto loan) paid off the balance of the lien. Petitioner has removed the vehicle as an asset of

the conservatorship estate. The vehicle was carried at a value of \$7,000. Petitioner does not indicate the loan balance that was paid, but the vehicle is alleged to be non operable. The total expenses paid on the vehicle during the accounting period were \$1,965.93 (insurance-\$1,650, Ding Masters-\$200 and DMV \$115).

**RECOMMENDATION:**

RFA subject to court's determination of fees and bond increased. If approved, court to set next accounting review for 5/6/10.

(gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 10:30 DEPT: E1  
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CASE #: SC SS02977

CASE NAME: MATTER OF EVA WAGNER

HEARING:

SECOND Account and Report of CHRISTINA ERICKSON-TAUBE and  
Petition for allowance of fees filed.

COUNSEL:

CHRISTINA ERICKSON-TAUBE (CPE)...SHERRI L KASTILAHN  
EVA WAGNER (CEP)...

GENERAL INFORMATION:

Accounting covers period: 7/1/06 – 12/31/07

Assets on hand: \$251,291.45 (cash of \$247,719.45, life insurance burial preneed of \$1,835 and the balance in personal property)

THIS CASE IS SET FOR HEARING ON Second Account Current and Petition for  
Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests fees of \$11,855.50. Billed at various rates for various services not exceeding \$85/hour for a total of 208 hours. Itemized. JTD
2. On petitioner's itemized services, it appears that petitioner is discussing the estate plan of conservatee and distribution of jewelry items with the family members (see yellow tabs). Question why petitioner is discussing the confidential estate plan with family members? File verified supplement.
3. Attorney requests fees of \$3,892.50. Billed at \$225/hour for 17.3 hours. Itemized. JTD.
4. Petitioner requests authority to take a periodic payment of \$400/month to be applied towards future fees. (Note: Per Order Settling First Account Current, the court granted petitioner to take \$200/month in periodic payments. Petitioner did not take this payment during this accounting period).
5. Petitioner alleges current bond of \$50,000 is sufficient. However, the total bonds (initial and additional) filed are \$280,000. However, with the balance



of cash on hand, estimated annual income, bond recovery costs (CRC 7.207), giving credit for fees requested above, bond should be increased to \$300,000 (an increase of \$20,000). JTD

6. The Summary of Account mandatory Judicial Council form (GC-400/405). Need same.
7. Need to file original escrow closing statement per Pr.C. §2620(c)(4)
8. On disbursements on 7/28/06 and on 7/3/07, there is a payment to “Jenny Plant for Estate Liquidation” totaling \$1,030. Do not see any receipt for income for sale(s) of assets. Question what the purpose of this disbursement was? File verified supplement.
9. Need original facility statements for The Granville Place and Braswell’s Colonial Care for 7/1/06 – 12/27/06.
10. On disbursements on 11/28/06, there is a payment to The Granville Place of \$2,647.23 and \$12,264.92 to Braswell’s Colonial Care for skilled nursing. Question why there are two facility payments for November, 2006? Also question the large payment to Braswell’s. File verified supplement.
11. It appears that the CD that petitioner has with Community Bank is over F.D.I.C. limits. Court may wish to instruct petitioner to adjust investments.

**RECOMMENDATION:**

Need to clear notes.

(gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 10:30 DEPT: E1  
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CASE #: SC SS02983

CASE NAME: MATTER OF SONIA J VEGA

HEARING:  
Hearing re Final Discharge

	COUNSEL:
MIRNA MORENO	(CPE)...HORSPOOL & PARKER
SONIA J VEGA	(CEP)...EDWARD B FISCHER
MANUEL VEGA	(TP )...JOSEPH R HAYTAS

GENERAL INFORMATION:

Court ordered termination of conservatorship on 6/27/07

**Continued from 2/14/08 at request of counsel. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON filing receipts and final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No receipts or final discharge are filed.

RECOMMENDATION:

Find out status.

(gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 10:30 DEPT: E1  
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CASE #: SC SS03062

CASE NAME: MTR RE CONNIE R HEINZE

HEARING:  
Accounting Review

COUNSEL:

ROBIN LIS	(CPE)...KARIN HORSPOOL
ROXANNE TRIMBLE	(CPE)...KARIN HORSPOOL
CONNIE R HEINZE	(CEP)...DONNASUE SMITH-ORTIZ
LAWRENCE A DEAN II	(CPE)...SHERRI L KASTILAHN
TIMOTHY HEINZE	(OBJ)...SCOTT SOADY
RONALD ERNEST HEINZE	(PRENOVOST NORMANDIN BERGH &
DA)...PRENOVOST	
VALERIE HEINZE	(PRENOVOST NORMANDIN BERGH &
DA)...PRENOVOST	

GENERAL INFORMATION:

2<sup>nd</sup> Accounting is due for the period 9/2/06 – 9/1/07 from Lawrence Dean  
**Continued from 2/24/08 at request of counsel. Lawrence Dean to file final  
accounting through date of death 12/28/07.**

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting is filed.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in  
Pr.C. § 2620.2. Clerk to notice bonding company.  
(gls/kra)

Future Hearing Dates:  
10/09/08 Hearing re Final Discharge

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 10:30 DEPT: E1  
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CASE #: SC SS03113

CASE NAME: MTR OF JOE MOLLIS

## **VACATED**

HEARING:  
Accounting Review

JOSEPH MOLLIS	COUNSEL:
JOE MOLLIS	(CPE)...HORSPOOL & PARKER
	(CTE)...DONNA STURGILL DIAZ

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 10:30 DEPT: E1  
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CASE #: SC SS03151

CASE NAME: MTR OF JEANNE HARRIS

HEARING:

FIRST / CURRENT Account and Report of DIANE D HARKISON and Petition for fees

COUNSEL:

DIANE D HARKISON (CPE)...M DANIEL SAYLOR  
JEANNE HARRIS (CEP)...EDWARD B FISCHER

GENERAL INFORMATION:

Accounting covers period: 11/2/06 – 12/20/07

Assets on hand: \$280,267.74 (\$280,000 in real property and the balance in cash)

THIS CASE IS SET FOR HEARING ON First Account Current and Petition for Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests fees of \$8,102.15. Billed at various rates for various services not exceeding \$75/hour. Itemized. JTD
2. Petitioner requests authority to receive periodic payments of \$250/month to be applied towards future fees. JTD
3. Attorney requests fees of \$5,075.00. Billed at \$275/hour for attorney time and \$65-\$75/hour for paralegal time for a total of 34.2 hours. Itemized.
4. Petitioner notes there is insufficient cash with which to pay fees. However, the real property is currently listed for sale and once funds become available, the fees will be paid, if approved.
5. Petitioner alleges current bond of \$20,000 is sufficient. Appears adequate. JTD
6. Petitioner has filed a notice that there will be a delay in paying the Court Investigator's fee of \$350.00 until the sale of the house. Does court wish to set review date?

RECOMMENDATION:

Court's discretion re fees. If approved, set next accounting review for 5/6/10.

(gl/kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 10:45 DEPT: E1  
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CASE #: SC SS02376

CASE NAME: MTR OF GLENDORA JOHNSON

HEARING:  
Accounting Review

COUNSEL:  
JOHN F. WATSON (CPE)...MICHAEL S. ARNOLD  
GLENDORA JOHNSON (CEP)...  
BOND SERVICES OF CALIF INS AGE(TP )...PRO/PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Account/Waiver of Account is due for the period 2/1/06 – 1/31/08. No accounting is filed.
2. Note: This accounting review was originally calendared for 5/2/08 and advanced by one day. No notice of the advanced date was given.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2. If no appearance is made, court may wish to notice counsel.  
(gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 05/01/08 TIME: 10:45 DEPT: E1  
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CASE #: SC SS02598

CASE NAME: MTR OF GREGORY YAROSLOW

HEARING:  
Accounting Review

COUNSEL:  
RITA Y. MC CARTHY (CPE)...HARRY J HISTEN  
WILLIAM J. SIMON (CPE)...HARRY J HISTEN  
GREGORY YAROSLOW (CEP)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Second accounting is due for the period: 5/1/05 – 4/30/07. No accounting is filed.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

(gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

**MISC.**

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DATE: 05/01/08 TIME: 1:30 DEPT: E1  
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CASE #: VPRVS002547

CASE NAME: MATTER OF BURCHAM FAMILY TRUST

HEARING:  
Mandatory Settlement Conference

COUNSEL:

DEAN WELCH	(PET)...FULLERTON LEMANN SCHAEFFER & D
DARON WELCH	(PET)...FULLERTON LEMANN SCHAEFFER & D
ALAN W BURCHAM	(DEC)...
LAURA E BURCHAM	(DEC)...
NATASHA WELCH	(OBJ)...WILLIAM M NASSAR & ASSOCIATES

No calendar notes as this is on for Mandatory Settlement Conference.



CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

***PROBATE***

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DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: PROPS0600110

CASE NAME: IN RE MATTER OF ARTHUR BLAKE

***SEE ALSO 2***

HEARING:  
OSC re: SANCTIONS

COUNSEL:

LAWRENCE A DEAN II	(PET)...	SHERRI L KASTILAHN
ARTHUR BLAKE	(DEC)...	
ROXY E BROOKS	(TP )...	DIANA J CARLONI

GENERAL INFORMATION:

Letters of Administration issued 1/3/07 (full authority, \$400,000 bond)  
At hearing on 3/12/08, there was no appearance and court set this OSC.

THIS CASE IS SET FOR HEARING ON OSC re sanctions for failure to appear and/or file  
an accounting

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting or status report is filed.
2. It does not appear that the bond company was noticed as required.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall  
take action as specified in Pr.C. § 11050 et seq.  
(/gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 9:00 DEPT: E2  
-----

CASE #: PROPS0600110

CASE NAME: IN RE MATTER OF ARTHUR BLAKE

**SEE ALSO 1**

HEARING:  
Accounting Review

COUNSEL:  
LAWRENCE A DEAN II (PET)...SHERRI L KASTILAHN  
ARTHUR BLAKE (DEC)...  
ROXY E BROOKS (TP )...DIANA J CARLONI

See prior notes (matter 1)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: PROPS0600162

CASE NAME: ESTATE OF REBECCA L TYLER

HEARING:

Hearing Re: REPORT OF STATUS OF ADMINISTRATION.

COUNSEL:

PEGGY GRAY (PET)...SUSAN D SIPLE  
REBECCA L TYLER (DEC)...  
DEPT OF HEALTH SERVICES (TP )...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Notice of hearing and proof of service is filed, however, notice does not comply with Pr.C. §12201(b). Need proper notice.
2. Petitioner alleges the estate is not in a position to close as the real property must first be sold. Petitioner further alleges the property is in poor condition and is not habitable. Furthermore, petitioner alleges the City of Ontario has issued a Notice and Order to Repair or Demolish. Question whether petitioner has made the requested repairs? File verified supplement.
3. Petitioner requests an additional one year to conclude the estate administration.

RECOMMENDATION:

Need proper notice, verified supplement re note 2 and then court's discretion. If approved, set next accounting review for 5/7/09.

(gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: PROPS0700430

CASE NAME: THE SEALEY FAMILY TRUST

**SEE ALSO 4A**

HEARING:

Petition for AN ORDER DETERMINING INTEREST IN PROPERTY AND  
TRANSFERRING TITLE AND POSSESSION OF THE PROPERTY

COUNSEL:

THERESA ANN STEWART (PET)...GRESHAM SAVAGE NOLAN & TILDEN  
DONNA LEE GIBBS (PET)...GRESHAM SAVAGE NOLAN & TILDEN  
KATHLEEN ANN BOETTGER (OBJ)...WARD & WARD  
ROBERT I BOETTGER (WARD & WARD )...WARD & WA

GENERAL INFORMATION: **continued from 7/23/07, 9/27/07, 12/13/07 and 2/21/08.**  
**Counsel indicates that parties are still working on a possible settlement.**

THIS CASE IS SET FOR HEARING ON Petition for an Order Determining Interest in  
Property and Transferring Title and Possession of the Property

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner Theresa Ann Stewart is the Successor Co-Trustee and beneficiary of the Sealey Family Trust dated 5/21/92. The other successor co-trustee is respondent, Kathleen Boettger. Petitioner alleges that the original trustors (Frank and Gladys Sealey) transferred real property known as 20235 Holt Avenue, Covina, to their Trust by deed recorded 6/25/92. Frank died on 10/21/98 and a portion of the Trust became irrevocable. Petitioner further alleges that on 5/20/99, Gladys signed an Amendment to the Trust applicable to the revocable portion of the Trust. Petitioner believes that portions of the assets were required to be a part of the Irrevocable Bypass Trust and instead the subject real property was granted to Gladys individually by deed recorded 9/17/01. Thereafter, petitioner believes Gladys transferred the real property from herself individually to the revocable trust on 12/5/05. Petitioner claims an interest in the title and possession to the subject real property as co-trustee pursuant to the terms of the trust.

There is no specific mention of the subject property on Holt Avenue to be allocated to the irrevocable bypass trust. Question whether a specific allocation agreement was completed to transfer trust assets to the two trusts? Question whether Gladys is still living and if not, what is the date of death? Need verified supplement. **Supp: petitioner alleges that some of the cash assets at the time of Frank Sealey's death were identified as being a part of the Family Bypass Trust. However, no writing was prepared that indicated any portion of Frank Sealey's community property interest had been allocated to a Family Bypass Trust. Gladys Sealey died 2/27/07 and was predeceased by spouse, Frank Sealey. Frank Sealey died 10/21/98**

2. Kathleen Boettger was personally served on 5/12/07.
3. **Objections to petition filed by respondents.**

RECOMMENDATION:

Inquire re status of settlement. If none, set for contested hearing.  
(/gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: PROPS0700430

CASE NAME: THE SEALEY FAMILY TRUST

**SEE ALSO 4**

HEARING:

Petition for ESTABLISHING THE VALIDITY OF THE SEALEY FAMILY TRS \*

COUNSEL:

THERESA ANN STEWART (PET)...GRESHAM SAVAGE NOLAN & TILDEN  
DONNA LEE GIBBS (PET)...GRESHAM SAVAGE NOLAN & TILDEN  
KATHLEEN ANN BOETTGER (OBJ)...WARD & WARD  
ROBERT I BOETTGER (WARD & WARD )...WARD & WA

GENERAL INFORMATION: **continued from 9/27/07, 12/13/07 and 2/21/08 at request of counsel for possible settlement negotiations.**

THIS CASE IS SET FOR HEARING ON Petition Establishing the Validity of the Sealey Family Trust, purported amendment thereto, canceling the purported Will of Gladys Sealey, canceling the deed transferring certain real property to the Sealey Family Trust, Removing Kathleen Boettger as co-trustee and disinheriting her from the Sealey Family Trust, Compelling Kathleen Boettger to provide an accounting, imposing a constructive trust and for declaratory relief

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioners are Theresa Stewart and Donna Gibbs children and beneficiaries of the Sealey Family Trust. Respondent, Kathleen Boettger is the daughter and beneficiary of the Sealey Family Trust. Petitioners allege that all of the beneficiaries of the Sealey Family Trust are identical to the purported Gladys Sealey Revocable Trust with the exception of Robert Boettger. Petitioners further allege that the Sealey Family Trust was signed on May 21, 1992. Settlor's real property on 20235 Holt Avenue, Covina, was transferred to the Trust by Trust Transfer Deed also signed on May 21, 1992. Under the Terms of the Sealey Family Trust Theresa Stewart and Kathleen Boettger

are named as successor co-trustees. Frank Sealey died on October 21, 1998 and Gladys Sealey (Frank's surviving spouse) executes an Amendment No. One to the Sealey Family Trust signed on May 20, 1999. The Amendment modified Section 4.9 of the Trust which pertains to the surviving spouse's trust by deleting it and replacing it with new and different to that allow for the trustee to include Donna Gibbs, trustors daughter, as an equal beneficiary. Petitioners allege that settlor Frank did not consider Donna Gibbs as his biological daughter. Petitioners also allege that Kathleen Boettger became increasingly hostile to her mother, Gladys, after Gladys decided to stay with Theresa Stewart and her husband and Theresa's home. After a year and the continued hostility from Kathleen, Gladys moved with Donna Gibbs. On February 27, 2007, Gladys died. Theresa and Donna learned that the amendment to the Trust gave a majority of the assets to Kathleen. Petitioners request that the court rescind, nullify and cancel the purported Gladys Sealey Revocable Trust dated May 20, 1999, as well as a Will dated July 3, 2001, on the grounds that Gladys' signature was procured by duress, menace, fraud and undue influence. Petitioners also request that the court order the deed transferring real property to the Gladys Sealey Revocable Trust dated July 13, 2001, likewise be canceled. That Kathleen be removed as Trustee of the Trust and disinherited from the Sealey Family Trust dated May 21, 1992 as Kathleen violated her fiduciary duties to the petitioners. Petitioners further request that Kathleen be compelled to render an accounting while serving as trustee and impose an order for constructive trust against Kathleen.

2. Need to file notice of hearing and proof of service per Pr.C. §17203.
3. Need to submit proof of written request for an accounting per Pr.C. §17200(b)(7) and no accounting has been provided after 60 days from such written request.
4. Response filed by Kathleen Boettger

#### RECOMMENDATION:

Need to clear notes, inquire status of settlement negotiations and set for Evidentiary hearing if no settlement is reached.

(/gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: PROPS0700868

CASE NAME: ROBERT T. VON KANEL

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

CHARLES A VON KANEL (PET)...THE GROSSMAN LAW FIRM A.P.C  
ROBERT T VON KANEL (DEC)...

**VACATE HEARING – Corrected final I&A and supporting documents filed.**  
(gls/kra)



CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: PROPS0800228

CASE NAME: THE JO ANNF CLARK REVOCABLE LIVING TRUST

HEARING:

Ex parte hearing re: PETITION FOR REMOVAL OF JEFREY NEIL CLARK  
AS SUCCE

COUNSEL:

SCOTT ALAN CLARK (PET)...WELCH DACRE & ASSOCIATES, P.C.

No calendar notes as this is on for Ex-parte petition.  
(Continued from 3/17/08 and 4/10/08 for notice.)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: PROPS0800260

CASE NAME: JESSE HECTOR ESPINOSA

HEARING:

Petition for Probate of Will and Letters with limited authority IAEA.

COUNSEL:

RAYMOND C ESPINOSA (PET)...PRO/PER  
JESSE HECTOR ESPINOSA (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Probate and for Letters Testamentary with limited authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond.

RECOMMENDATION:

RFA. If approved, court to set hearing on filing inventory and appraisal for 12/4/08. Set hearing on accounting review for 7/9/09. Accounting to be filed 30 days in advance.  
(gls/kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: PROPS0800266

CASE NAME: DESPINA KARPONTINIS

HEARING:

Petition for Probate, Letters of Tstmnty with full authority  
under IAEA.

COUNSEL:

EFFIE ANDRADE (PET)...MARGERIE E YODATH  
DESPINA KARPONTINIS (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Probate and for Letters Testamentary  
with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond
2. Neither the Will, nor the witness attestation indicate where the Will was  
executed (Pr.C. §6113). Need verified supplement re validity of Will.
3. Need to file proof of subscribing witness.
4. Need proof of publication.

RECOMMENDATION:

Need to clear notes  
(gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: PROPS0800268

CASE NAME: THE NORMAN N. HOLT TRUST

HEARING:  
Petition for TRANSFER PROPERTY INTO LIVING TRUST

COUNSEL:  
BARBARA L. COOPER (STE)...SUZANNE M GRAVES

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to Transfer Property into Living Trust

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the daughter and successor trustee of the Norman N. Holt Trust dated 5/13/94 and restated 8/22/00. Petitioner alleges the settlor died on 8/28/07. Petitioner further alleges that the settlor intended to put his personal residence located at 428 Sonoma Court, Ontario, into the name of the trust but did not do so prior to his death. Schedule "A" of the Restatement references the real property as an asset of the Trust. Petitioner cites Estate of Heggstad (1993) 16 Cal App 4<sup>th</sup> 943 as authority to have the real property transferred into the name of the trust.
2. No objections are filed at the time of the review of this file.

RECOMMENDATION:  
RFA, absent objection.  
(gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: PROPS0800274

***VACATED- CASED DISMISSED WITHOUT PREJUDICE.***

CASE NAME: GARE L. ZEIGLER

HEARING:  
Petition for ORDER AUTHORIZING PARTICULAR TRANSACTIONS

MARY K. ZEIGLER	COUNSEL:
GARY L. ZEIGLER	(PET)...DAVID M GROSSMAN
	(INC)...

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: PROPS0800276

CASE NAME: PETER DAVID MOSELEY

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

JOAN C MOSELEY (PET)...E. JOAN NELMS  
PETER DAVID MOSELEY (DEC)...

GENERAL INFORMATION:

Special Administration granted on 3/26/08. Court orders that estate funds from Orange County case are to be deposited in a blocked account.

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. All residual heirs have waived bond.
2. No proof of blocked account is yet filed by the Special Administrator. Court may wish to inquire.

RECOMMENDATION:

RFA subject to court's determination re note 2. If approved, set hearing on the filing of an inventory and appraisal for 12/4/08. Set hearing on accounting review for 7/9/09.

Accounting to be filed 30 days in advance.

(gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: SPRSS03702

CASE NAME: MATTER OF JACK N CHILDRESS SR

HEARING:  
Hearing re Final Discharge

COUNSEL:

MALIA MCCUTCHEN-MOORE (PET)...C.L. FARRELL  
JACK NELSON CHILDRESS SR (DEC)...  
BRYAN C HARTNELL (TP )...HARTNELL HORSPPOOL & FOX  
STATE OF CALIFORNIA FRANCHISE ( )...  
COMMERCE BANK,N.A. (PFEIFFER THIGPEN & FITZGIBBON )...PFEIFFER  
INTERNAL REVENUE SERVICE (PRO/PER )...PRO/PER

GENERAL INFORMATION:

Order for Final Distribution granted on 8/1/07

THIS CASE IS SET FOR HEARING ON filing receipts and final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No receipts or final discharge are filed.

RECOMMENDATION:

Find out status.

(gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: SPRSS03958

CASE NAME: MTR OF THE BAILY ANN MCNEIL SPECIAL NEEDS TRST

**SEE ALSO 12A**

HEARING:

Hearing Re: CONFIRMATION OF ENROLLMENT AT I.R.C..

COUNSEL:

BAILY ANN MCNEIL (MIN)...JUDITH RUNYON  
MELODIE Z. SCOTT (TEE)...HARTNELL HORSPOOL & FOX

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Confirmation of Enrollment at Inland Regional Center

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. At hearing on 2/28/08, the Court notes that Baily Ann McNeil is not currently receiving services from I.R.C. Court instructs Attorney Runyon to assist in getting Baily Ann re-registered with I.R.C. Court also orders Karen Keys (Baily's mother) to get Baily Ann re-registered with I.R.C. by 5/1/08. If Ms. Keys has not done so, the court will order that monthly fees will no longer be paid to her.
2. Need report of counsel (Attorney Runyon)

RECOMMENDATION:

Inquire re enrollment at IRC  
(gls)



CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: SPRSS03958

CASE NAME: MTR OF THE BAILY ANN MCNEIL SPECIAL NEEDS TRST

**SEE ALSO 12**

HEARING:

Hearing Re: REVIEW OF MONTHLY PAYMENTS TO KAREN KEYS.

COUNSEL:

BAILY ANN MCNEIL  
MELODIE Z. SCOTT

(MIN)...JUDITH RUNYON  
(TEE)...HARTNELL HORSPOOL & FOX

See prior notes (matter 12)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: SPRSS04192

CASE NAME: ESTATE OF MARCELINA M MARIN

HEARING:

Hearing Re: REIMBURSEMENT OF FEES/EXPENSES.

COUNSEL:

MARCELINA M MARIN (DEC)..  
LINDA MAXWELL (SA )...MAUREEN MURATORE

IRENE ARRIAGA (OBJ)..  
IRENE ARRIAGA (ELISABETH KEMPE-OLINGER )...ELISABETH  
THOMAS M DAVIS (PRO/PER )...PRO/PER

GENERAL INFORMATION:

**Continued from 4/10/08, argument heard by all counsel as to all petitions for reimbursement of fees, expenses and costs. Counsel submit on the pleading. Matter set for non-appearance review; Matter will be taken under submission at that time.**

THIS CASE IS SET FOR HEARING ON Reimbursement of Fees/Expenses. Petitions are files as follows:

- (1) Petition for Attorney's Fees filed by Attorney James Dunn
- (2) Request for Reimbursement of Fees and Costs filed by Irene Arriaga (niece and heir to the estate); and
- (3) Petition to Allocate Statutory Compensation and Statutory Attorneys' Fees filed by Attorney Scott Soady

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

**Petition #1 (fees for Dunn):**

1. Attorney requests fees of \$53,580.00. Billed at \$200/hour for a total 267.90 hours for services in connection with a legal action to set aside the transfer of real property on the grounds of undue influence and lack of capacity. Services included extensive discover and numerous court appearances

including a nine-day Trial. Services cover a period from 1/5/01 through 10/10/03. Services are itemized.

2. **Objections filed by Linda Maxwell, successor administrator.**
3. **Reply filed by petitioner.**

**Petition #2 (fees/costs for Irene Arriaga):**

1. Petitioner requests reimbursement of attorney's fees of \$27,048.75, as well as costs advanced of \$7,108.50. Attorneys fees were paid to Attorney Nydam and Attorney Kempe-Olinger in order to resolve the issues set forth below. Petitioner alleges she has been instrumental in bringing this case to the point of final distribution, including the successful removal of the former administrator, Rosemarie Valdivia, and having a neutral administrator appointed. Furthermore, petitioner paid for all property taxes and utility bills for the house and adjoining unimproved land, as well as advance funds to the neutral administrator to get the real property in a condition to be sold.
2. Need itemization of attorney services of Attorney Nydam for the work performed, including the hourly rate. **Supp: One statement provided, unable to find additional statements.** Indicates \$250/hr rate.
3. **Objections filed by Linda Maxwell, successor administrator.**
4. A filing fee for this petition has not been paid. It would appear a \$40 filing fee is due.

**Petition #3 (Allocation for Statutory Compensation filed by Attorney Soady):**

1. Attorney alleges that the statutory fees due in this estate should be split as 50% to Attorney Dunn, 25% to Attorney Muratore and 25% to Hartnell, Lister & Moore. Attorney Soady alleges that it is his belief that Attorney Muratore will also be petitioning for extraordinary fees.
2. Attorney alleges that the statutory compensation should be split 50% between the former and successor administrators
3. Attorney also requests authority to reimburse the former administrator the sum of \$1,518.25. Included in such cost reimbursement is a request for fax and phone charges which are non-reimbursable costs per local rule 20-908. Court may wish to allow \$1,288.28. JTD
4. **Objections filed by Linda Maxwell, successor administrator.**
5. A filing fee for this petition has not been paid. It would appear a \$40 filing fee is due. **M/O of 4/10/08 states that Attorney Soady will pay the required filing fee of \$40 for Rosemarie Valdivia this date. However, the fee remains unpaid.**

**NOTE FOR ALL PETITIONS:** It is unknown the current balance of cash on hand and whether there is sufficient cash assets to pay creditors, costs of administration including attorney's fees. Court may wish to require an accounting to be first prepared.

**RECOMMENDATION:**

Need proper notice then set all matters for contested hearing.

(/kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: SPRSS05774

CASE NAME: MTTR OF JORDAN LEON TRUST

**SEE ALSO 14**

HEARING:

Hearing Re: ANNUAL STATUS REPORT / PROOF OF BLOCKED ACCOUNT.

COUNSEL:

JORDAN LEON  
SHANTEL LEON

(MIN)...DONNA STURGILL DIAZ  
(TEE)...JAMES B CHURCH & ASSOCIATES

GENERAL INFORMATION:

Prior Status Report was approved on 11/16/05

**Continued from 1-31-08 and 2/28/08. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON Annual Status Report/proof of blocked account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. In prior status report, petitioner stated that there was pending a Federal Interpleader and the matter was subsequently settled on or before 9/26/06 and the funds are in trustee's possession. Per the settlement agreement, petitioner as trustee was to deposit the funds within 30 days into a blocked account. Question status of deposit of funds? **Minute Order of 2/28/08 indicates that no funds were distributed to minor, but were distributed to the trustee into the trust account-therefore a blocked account was not necessary. The Court gave its opinion that either a bond or a blocked account is required in this case. Court orders an accounting by the trustee (mother of the minor) for the period 7/16/06 – 12/31/07.**
2. Need proof of blocked account

RECOMMENDATION:

Need proof of blocked account.

(gls/nmt/gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: SPRSS05774

CASE NAME: MTTR OF JORDAN LEON TRUST

**SEE ALSO 13**

HEARING:  
Accounting Review

	COUNSEL:
JORDAN LEON	(MIN)...DONNA STURGILL DIAZ
SHANTEL LEON	(TEE)...JAMES B CHURCH & ASSOCIATES

GENERAL INFORMATION:

1<sup>st</sup> Accounting is due for the period 7/16/06 – 12/31/07

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting is filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq.

(gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: SPRSS05812

CASE NAME: ESTATE OF ROBERT D. GONZALES

HEARING:  
Case Management Conference

COUNSEL:

MICHAEL A. GONZALES	(PET)...	E. JOAN NELMS
ROBERT D. GONZALES	(DEC)...	
HEIR BUYOUT COMPANY	(TP )...	PRO/PER
BARBARA A CORRAL	(RONDA A MIDDLETON	)...RONDA A M
MICHAEL A GONZALES	(HARTNELL LISTER & MOORE	)...HARTNELL

No calendar notes as this is on for Case Management Conference.

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: SPRSS06102

CASE NAME: EST OF MARGARITA G VASQUEZ (MASTER)  
**SEE ALSO 15B 15C 15D**  
HEARING:  
OSC re: BOND PREMIUM

COUNSEL:  
JENNIE VASQUEZ BARRON (PET)...PRO/PER  
MARGARITA G VASQUEZ (DEC)...  
PETER HERNANDEZ (PET)...JAMES B CHURCH & ASSOCIATES  
JOHN M RAGER (TP )...

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON OSC re Bond Premium

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Matter set on court's own motion at the time set for hearing on 4/3/08 as notice of non-payment of bond premium is filed.
2. Minute order 4/3/08 indicates the clerk's office to notify bonding company; however, it is unclear if bonding company was noticed. Court to inquire.

#### RECOMMENDATION:

Court's determination if bonding company has been noticed, then court's discretion.  
(kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR  
HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: SPRSS06102

CASE NAME: EST OF MARGARITA G VASQUEZ (MASTER)  
**SEE ALSO 15A 15C 15D**

HEARING:

Petition for FOR SUSPENSIO OF POWERS AND REMOVAL OF PERSONAL REP

COUNSEL:

JENNIE VASQUEZ BARRON (PET)...PRO/PER  
MARGARITA G VASQUEZ (DEC)...  
PETER HERNANDEZ (PET)...JAMES B CHURCH & ASSOCIATES  
JOHN M RAGER (TP )...

GENERAL INFORMATION

Continued from **11/14/07**. Court advises Jennie Barron to seek legal counsel due to the complexities of the issue. Nothing new filed.

Continued from **12-27-07 and 2/28/08** at request of counsel. On 2/28/08, the court suspended petitioner's IAEA powers. Court orders petitioner to get an order from the court before selling any assets. Attorney Soady is ordered to prepare an order and have new letters issued within 5 days of 2/28/08 as well as filing a substitution of attorney. Nothing new filed.

**Continued from 4/3/08 as amended order and letters are submitted. Court sets OSC re bond premium.**

THIS CASE IS SET FOR HEARING ON Petition for suspension of powers and removal of personal representative

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner (Peter Hernandez) is the grandson of decedent and alleges the administrator has failed to properly administer the estate.
2. Opposition filed by Jennie Barron. Objector alleges movant fails to tender any specific factual allegations in support of the request for removal.
3. **Notice of Non-Payment of Bond Premium filed. Court may wish to set OSC re failure to pay bond premium.**

RECOMMENDATION:

Matter set for Readiness. See notes on following page (matter #15D).  
(/vet/gls/kra)



CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

-----  
DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: SPRSS06102

CASE NAME: EST OF MARGARITA G VASQUEZ (MASTER)

**SEE ALSO 15A 15B 15D**

HEARING:

FIRST Account and Report of JENNIE VASQUEZ BARRON and Petition for fees

COUNSEL:

JENNIE VASQUEZ BARRON (PET)...PRO/PER  
MARGARITA G VASQUEZ (DEC)...  
PETER HERNANDEZ (PET)...JAMES B CHURCH & ASSOCIATES  
JOHN M RAGER (TP )...

GENERAL INFORMATION

Continued from **11/14/07** to trail contested hearing.

Continued from **12-27-07 and 2/28/08** at request of Attorney Soady who may be substituting in as counsel. Nothing new filed.

**Continued from 4/3/08**

THIS CASE IS SET FOR HEARING ON 1<sup>st</sup> account report of status of administration

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. There is no summary of account, receipt, disbursement or property on hand schedules. It cannot be determined whether or not this accounting balances. Need to file proper accounting to comply with Pr.C. §1060
2. Petitioner alleges that all heirs waive an account. However, no waivers are filed. Need waivers of accounting from all heirs or an accounting.
3. Petitioner alleges the estate is not in a condition to be closed as the real property of the estate has not been sold. Petitioner intends to purchase the property by notice of proposed action to which all heirs are expected to consent to the purchase. However, petitioner was granted Letters of limited authority which would require court confirmation of sale.
4. Report declares only one request for special notice is filed. However, the file show a request for special notice filed by John Rager as well as Mark Flory for Peter Hernandez and Jeff Aase (bond company)

5. Need notice of hearing and proof of service including those persons requesting special notice.
6. Second notice of non-payment of bond premium received indicating the amount past due is \$1,024.93.
7. Note: as decedent died in 1977, may need inheritance tax certificate prior to distribution.
8. **Notice of Non-Payment of Bond Premium filed.**

RECOMMENDATION:

Need proper accounting and notice.

(/vet/gls/kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

-----  
DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: SPRSS06102

CASE NAME: EST OF MARGARITA G VASQUEZ (MASTER)

**SEE ALSO 15A 15B 15C**

HEARING:  
Readiness Calendar

COUNSEL:  
JENNIE VASQUEZ BARRON (PET)...PRO/PER  
MARGARITA G VASQUEZ (DEC)...  
PETER HERNANDEZ (PET)...JAMES B CHURCH & ASSOCIATES  
JOHN M RAGER (TP )...

No calendar notes as this is on Readiness Calendar.  
Continued from 4/3/08. Court notes matters at issue are Accounting and Petition to  
remove personal representative.

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: SPRSS06206

CASE NAME: ESTATE OF DONNA TERESA DEEN

HEARING:  
Hearing Re: Receipts and Final Discharge.

COUNSEL:  
TY DEEN (PET)...GRESHAM SAVAGE NOLAN & TILDEN  
DONNA TERESA DEEN (DEC)...  
ADVANCE INHERITANCE LLC (PET)...JAMES L LEESTMA  
ADVANCE INHERITANCE LLC (TP )...JAMES L LEESTMA

GENERAL INFORMATION:

Order for Final Distribution granted 3/8/07

**Continued from 3/13/08 at request of counsel. Waiting for final income tax returns.**

THIS CASE IS SET FOR HEARING ON filing receipts and final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file receipts from Citibank USA and SBC Pacific Bell for outstanding creditor's claims
2. Ex-parte petition/order for final discharge submitted. However, need to clear note 1 before order can be granted.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

Find out status.

(gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: SPRSS06214

CASE NAME: ESTATE OF JULIUS B ALLEN

HEARING:  
Hearing re Final Discharge

	COUNSEL:
TINA L ALLEN	(PET)...PRO/PER
JULIUS B ALLEN	(DEC)...
JOHN G WURM	(TP )...

GENERAL INFORMATION:

First and Final Account and Report and Petition for Final Distribution granted on 10/20/06  
**continued from 10/25/07. no appearance.**

**continued from 12/13/07. Court informs petitioner she needs to file Order approving First and Final Accounting and proceed with an ex parte petition for final discharge & order. Nothing new filed.**

**Last continued from 2/21/08. The court notes that the most recent Inventory and Appraisal (attached to the Declaration filed 2/20/08) is inappropriately filed. Court advises petitioner that she may wish to re-open the probate to correct any deficiencies and/or seek legal advice on how to proceed with the issues of concern to her.**

THIS CASE IS SET FOR HEARING ON filing receipts and final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. No Order for Final Distribution has been filed. Proposed order was returned by probate examiner on 12/26/06 for discrepancies in form and content.
2. Need proposed order, receipts and final discharge

RECOMMENDATION:

Need to clear notes.

(/gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: SPRSS06280

CASE NAME: MTR OF ADELL DAVIS

HEARING:  
Accounting Review

COUNSEL:  
SHEPHERD F DAVIS (PET)...STUART D ZIMRING  
ADELL DAVIS (DEC)...

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON  
Accounting review.

#### THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued 3/11/05.
2. In prior reports, petitioner has stated that there is pending litigation preventing close of administration. Third status report was approved 11/21/07. Parties reported that trial on the litigation was set for 12/3/07. This next accounting review was set.

#### RECOMMENDATION

Court may wish to trail matter re petition to close estate for lack of assets to 6/5/08.  
When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq.  
(/kra)

Future hearing dates: Petition to close estate for lack of assets 6/5/08

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR  
HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: SPRSS06536

CASE NAME: ESTATE OF ANNICKLE E. COLLINS

HEARING:

Probate status report filed.

COUNSEL:

CHARLES RANARD (PET)...E. JOAN NELMS  
ANNICKE E COLLINS (DEC)...

GENERAL INFORMATION:

**Continued several times from 12/6/07 and 01-31-08 at request of counsel. Nothing new filed.**

**Continued from 3/27/08. No appearance. Clerk mailed notice.**

THIS CASE IS SET FOR HEARING ON Probate Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Letters of Special Administration issued 6/28/05. No general appointment has ever been granted. It appears that no general appointment has been granted due to the lack of publication. Does court wish to re-calendar the petition for general appointment and require petitioner to publish notice?  
JTD
2. Petitioner alleges that petitioner has been unable to file an inventory and appraisal as petitioner has been unable to locate any assets in the decedent's name. Petitioner alleges that decedent also had a trust that contained some of her assets, however, the bulk of her assets are believed to be in Germany. Petitioner has retained a Germany attorney. Petitioner alleges the estate is not yet in a position to close as the proceedings in Germany have not yet concluded. Petitioner requests an additional six months to continue the estate administration.
3. Need to file notice of hearing and proof of service per Pr.C. §12201.
4. Need proof of publication with correct case number. Need to re-publish.

RECOMMENDATION:

Need to clear notes 3-4 and then court's discretion. If approved, set hearing on next accounting review/status report for 5/7/09.

(/vet/gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: SPRSS06588

CASE NAME: EST OF FLORA JEAN PETERSON

**SEE ALSO 21 22**

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

VALERIE KESSLER (PET)...DANIEL J DOONAN

FLORA JEAN PETERSON (DEC)...

STATE OF CALIFORNIA FRANCHISE (TP )...PRO/PER

GENERAL INFORMATION:

Continued from **2/8/07, 3/26/07, 5/7/07, 7/9/07, and 9/17/07** at request of counsel.

Continued from 11/19/07 at request of counsel. Nothing new filed.

**Continued from 01/28/08 at request of counsel. Court informs counsel that this matter has been continued 7 times and the bank statements have still not been filed. Court orders matter set for an OSC RE: suspension of powers and orders Valerie Kessler to personally appear at next hearing.**

**Continued from 3/20/08 at request of counsel.**

THIS CASE IS SET FOR HEARING ON Inventory and Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Final I&A filed. However, need copies of bank statement verifying date of death balance per Local Rule 908.
2. Accounting set for hearing this date.

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, the court may set hearing in accord with Pr. C. §§ 8804 and/or 8505.

(/cbr)



CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

-----  
DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: SPRSS06588

CASE NAME: EST OF FLORA JEAN PETERSON

**SEE ALSO 20 22**

HEARING:  
OSC re: SUSPENSION OF POWERS

COUNSEL:

VALERIE KESSLER (PET)...DANIEL J DOONAN  
FLORA JEAN PETERSON (DEC)...  
STATE OF CALIFORNIA FRANCHISE (TP )...PRO/PER

See prior page.

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

-----  
DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: SPRSS06588

CASE NAME: EST OF FLORA JEAN PETERSON

**SEE ALSO 20 21**

HEARING:

FIRST AND FINAL Account and Report of VALERIE KESSLER and  
Petition for allowance of fees filed.

COUNSEL:

VALERIE KESSLER (PET)...DANIEL J DOONAN  
FLORA JEAN PETERSON (DEC)...  
STATE OF CALIFORNIA FRANCHISE (TP )...PRO/PER

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

First and final account and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

3. I&A issues are not completed (see prior pages re I&A hearing – still need bank statements establishing date of death balances).
4. Letters of administration issued 12/21/05.
5. Petitioner and atty each request \$10,021.12 statutory fees. Calculated. Appears ok.
6. Atty requests \$1,140 extraordinary fees. For drafting of Agreement for Distribution of Estate Assets. Based upon 4 hrs at \$285/hr. Question how this task is extraordinary. Need verified supplement.
7. Atty requests \$763.86 reimbursement for costs advanced. Appears ok.
8. Decedent's heirs at law are his three adult children. The proposed distribution is to a host of children and grandchildren pursuant to an Agreement for Distribution signed by the three children. Issues (verified supplement or P&As invited):
  - a. Need notice of hearing and proof of service for all of the beneficiaries by agreement (all residual beneficiaries must be noticed for a final accounting).
  - b. Are any of the grandchildren beneficiaries minors?

- c. The Agreement for Distribution would create a trust for any of the grandchildren beneficiaries who are under 25 years old yet there is no indication that those grandchildren have consented to this arrangement (they are not signatories to the agreement or have otherwise participated in this probate).
- 9. Schedule of Disbursements (Exhibit A, Schedule 3) raises the following concerns (need verified supplement:
  - a. 2/23/06 (\$27.48) to Chevron. What was benefit to the estate?
  - b. 2/23/06 (\$21.96) and 3/10/06 (\$10.98) to Hometown. What was benefit to the estate?
  - c. 3/21/06 (\$29.18) to AM/PM. What was benefit to the estate?
  - d. 4/21/05 (\$240.61) to Discovery. Predates appointment by several months. Also, what was benefit to the estate?
  - e. 4/22/05 (\$164.75) to Visa. Predates appointment by several months. Also, what was benefit to the estate?
  - f. Two pages full of distributions for months prior to appointment.
  - g. Several months to AT&T. What was the benefit to the estate. Typically personal services that could have been disconnected (TV, phone, etc.) are not estate expenses because they befitted whomever was living in the residence.
- 10. Real property was sold during administration. Need copy of escrow closing statement per Local Rule 20-909.

#### RECOMMENDATION

Need to clear notes.

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: SPRSS06798

CASE NAME: ESTATE OF SUZAN PINA

HEARING:  
FIRST AND FINAL ACCOUNT

	COUNSEL:	
ARTHUR PINA	(PET)...	HARTNELL, LISTER & MOORE
SUZAN PINA	(DEC)...	
MARLENE V PINA	(OBJ)...	PRO/PER
BERNARD M BIDART	(PRO/PER	)...PRO/PER

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON  
First and final account.

#### THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Probate petition granted in 2006 (administration).
2. Estate was one real property that was sold for \$160,000. The heirs are three surviving children (including petitioner/Arthur, Marlene, and Manuel) who would take 1/5<sup>th</sup> each, one granddaughter (Marcia) who would take the 1/5<sup>th</sup> share of a fourth child who was predeceased (Ruben), and two more grandchildren (Johnny Jr. and Gina) who will divide the 1/5<sup>th</sup> share of a fifth child who was predeceased (Johnny Sr.). Petitioner reports that he did not know that the grandchildren would take via the predeceased children and therefore he approached the other two surviving children only and negotiated a buyout of their shares for \$20,000 each. Petitioner adds that Ruben signed an assignment (attached to accounting), as did grandchildren Johnny Jr. and Marcia, but that Marlene now wants \$50,000 and Gina cannot be located. Petitioner requests a court determination of distribution. Issues:
  - a. Petitioner's proposed even distributions per share would be incorrect because of the assignments filed. Need verified supplement.

- b. Petitioner states that he intends to take a loan to pay the expenses and distributions ordered. However, accounting shows that almost \$105,000 was distributed to petitioner upon the sale of the real property. Only \$20,000 is listed as cash on hand in estate. On what basis was this distribution made and is there no money left to make distributions or pay final expenses?  
Need verified supplement.
  - c. Regarding distribution to missing heir (Gina), does petitioner intend to seek authority to distribute to County Treasurer? If so, need allegations meeting the statutory requirements. In any event, does court wish to require due diligence declaration here re attempts to locate Gina (would be necessary to satisfy the notice requirements for this petition anyway)?
- 3. Petitioner requests \$5,000 statutory fees. Issues:
  - a. Calculation states \$5,800 statutory fees. Does petitioner waive remainder?
  - b. Does court wish to allow in light of large preliminary distribution and assignment issues as set forth above?
- 4. Petitioner requests \$25,000 extraordinary fees. Issues:
  - a. Estate was one real property only. Question whether statutory fees are sufficient compensation.
  - b. Based upon an estimated 1,000 hours at \$25/hr. No itemization provided (petitioner has stated that no logs were kept but there is no attempt to generally breakdown time spent). Does court wish to require?
  - c. Does court wish to allow in light of large preliminary distribution and assignment issues as set forth above?
- 5. Atty requests \$5,800 statutory fees. Calculated. Appears ok.
- 6. Petitioner requests \$2,000 reserve for closing expenses. Appears ok.
- 7. Need bank statement per Local Rule 20-908.

#### RECOMMENDATION

Need to clear notes.

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: SPRSS07278

CASE NAME: ESTATE OF LUPITA M GUERRA

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

CONSUELITA M GUERRA (PET)...JASON L GAUDY  
LUPITA M GUERRA (DEC)...  
PATRICK B. WRIGHT (TP )...PRO/PER

GENERAL INFORMATION:

Continued from **7/30/07** No Appearance. Court set OSC re sanctions. Clerk mailed notice.  
Continued from **9/10/07 and 10/22/07** at request of counsel to obtain property tax  
certificate. OSC dismissed. Nothing new filed.

Continued from **12-06-07** at request of counsel. Nothing new filed.

Continued from **2/7/08** No appearance. Court set OSC re Sanctions and ordered petitioner  
and counsel to appear. Clerk mailed notice. Nothing new filed.

On **2/25/08** matter came on for accounting review. No appearance. Court continued  
matter to date of I&A. Nothing new filed.

**Continued from 3/27/08 as counsel advises that he has lost complete contact with  
his client. Court dismisses OSC.**

THIS CASE IS SET FOR HEARING ON

- Inventory and appraisal.
- Accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1 The final inventory and appraisal has been filed.
- 2 Need to file Property Tax Certificate.
- 3 Request for special notice filed on 01/10/08 by Probate Referee.
- 4 No accounting or status of administration filed.

RECOMMENDATIONS:

When an inventory and appraisal is not filed as ordered, court may set a hearing in accord with Pr.C. §8804 and/or 8505.

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. §11050 et seq.

(/cbr/kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: VPRVS003178

CASE NAME: ESTATE OF ROLAND G CALKINS

**SEE ALSO 26**

HEARING:

Motion re: ENTRY OF JUDGMENT PURSUANT TO TERMS OF STIPULATION  
filed by Petitioner DENISE M WELDON

COUNSEL:

DENISE M WELDON	(PET)...	SCOT THOMAS MOGA
ROLAND G CALKINS	(DEC)...	
DWAYNE CALKINS	(PET)...	WIL R MULLINS
SCOT T MOGA	(TP )...	SCOT THOMAS MOGA

No notes. Judge to decide.



CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 9:00 DEPT: E2  
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CASE #: VPRVS003178

CASE NAME: ESTATE OF ROLAND G CALKINS

**SEE ALSO 25**

HEARING:  
Accounting Review

COUNSEL:

DENISE M WELDON	(PET)...	SCOT THOMAS MOGA
ROLAND G CALKINS	(DEC)...	
DWAYNE CALKINS	(PET)...	WIL R MULLINS
SCOT T MOGA	(TP )...	SCOT THOMAS MOGA

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON  
Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Probate petition granted 2/22/07.
2. Need accounting or probate status report.

RECOMMENDATION

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq.

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

**CONSERVATORSHIPS**

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DATE: 05/01/08 TIME: 10:30 DEPT: E2  
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CASE #: CONPS0600016

CASE NAME: EVERLEANER DAVIS

HEARING:  
Accounting Review

COUNSEL:  
PHYLLIS E COLLINS (PET)...EDWARD B FISCHER  
EVERLEANER DAVIS (PCE)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON  
Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of conservatorship of estate issues 12/28/06.
2. Need accounting.

RECOMMENDATION

When an accounting is not filed as required, the court shall take action as specified in  
Pr.C. § 2620.2.

(/kra)

Future hearing dates: Petition for attorney fees and order terminating appointment as  
counsel 5/20/08

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 10:30 DEPT: E2  
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CASE #: CONPS0700014

CASE NAME: JANTINA VERMEER

HEARING:

Petition for SUBSTITUTED JUDGEMENT TO DISCLAIM INCOME OF  
CONSERVATEE& TO MAKE GIFTS

COUNSEL:

ALICE WOODS (CPE)...MARK J. A. FLORY  
JANTINA VERMEER (CPE)...HARTNELL, LISTER & MOORE

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for Substituted Judgment to Disclaim Income and Make Gifts

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Husband and wife trustors created a living trust in 1989. The trust was amended and restated in 1993. The husband trustor died later in 1993. The wife trustor amended the trust again in 2005 to nominate successor trustee. This court has not taken jurisdiction over the trust.
2. Conservatorship of the person and estate of the wife trustor was established in 2007. Conservator is also the successor trustee. The majority of the assets are held in the trust. Conservatee/trustor is entitled to lifetime income from the trust.
3. Conservator/successor trustee requests authority to make a gift out of the trust of \$12,000 each to six individuals (family members, one of whom is petitioner). She states that conservatee has a 10 year history of making these annual gifts are part of her estate planning process. The amount is the maximum allowed without tax consequences. Conservatee would also disclaim this income from the trust. Petitioner states that the income to conservatee is more than adequate assets in the trust/conservatorship estates to cover foreseeable expenses.
4. Petitioner states that he has discussed this matter with appointed counsel and conservatee's accountant and that both approve.
5. The court must find that the conservatee either is not opposed to the proposed action or, if opposed, that she lacks legal capacity for the proposed action. (Pr.C.

2582(a).) There is no statement in the petition regarding conservatee's current position regarding the gifts and/or her capacity. Need verified supplement.

6. No opposition filed as of date of review.

7. Court Investigator biennial review report filed.

#### RECOMMENDATION

Need to clear note 5, then court's discretion. If approved, no future dates need be set.

(/kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

-----  
DATE: 05/01/08 TIME: 10:30 DEPT: E2  
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CASE #: RC RS00510

CASE NAME: SHIRLEY I DUNNING

HEARING:  
Accounting Review

COUNSEL:  
LINDA MAXWELL (PET)...MAUREEN MURATORE  
SHIRLEY I DUNNING (PCE)...

GENERAL INFORMATION

**Continued from 3/11/08 to file accounting. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON  
Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservatorship was established in 2004.
2. First conservatorship accounting approved on 5/9/06.
3. A Notice of Death of Conservatee was filed on 10/26/06 stating that conservatee died 10/9/06 and that a final accounting was forthcoming.
4. Need final accounting.
5. Clerk mailed notice of hearing for this review on 2/13/08.

RECOMMENDATION

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 10:30 DEPT: E2  
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CASE #: SC SS02552

CASE NAME: MATTER OF GLORIA BLOOM

HEARING:

Petition for TO CONFIRM ORDERS AS JUDGMENT

COUNSEL:

RANDI L GUERRERO	(CP )...EDWARD B FISCHER
GLORIA BLOOM	(CTP)...LENITA A SKORETZ
GARY BLOOM	(SC )...ANNETTE G DE BELLEFEUILLE
LINDA EGGLESTON	(SC )...PRO/PER
LAWRENCE A DEAN	(CPE)...PRO/PER
LINDA EGGLESTON	(TP )...PRO/PER

GENERAL INFORMATION

**Continued from 3/17/08. Court noted that amendment to petition was filed 3/13/08. Atty deBellefeuille objected to the changes and to the late note. Court required any written objections by 4/3/08. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON Petition to confirm orders as judgment  
(C.C.P. §664.6)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner was the prior conservator and had resigned. Conservatee's son, Gary Bloom, was appointed on 10/13/06 and conservatee died shortly thereafter. On 11/15/07 Court approved petitioner's final accounting and petition for fees in the amount of \$4,182.00 for petitioner and \$6,383.25 for attorney to be paid by the conservator of the estate. **Amended Petition: Changes figures to \$14,191.67 owed to prior conservator and \$10,952.75 to counsel.**
2. Petitioner alleges that at the time the fees were awarded the estate was cash poor, that the deceased conservatee's two children have been engaged in litigation over the appointment of an estate personal representative and the validity of a trust for a year and petitioner and his attorney have not been paid.

3. Petitioner requests a judgment under CCP§664.6 so as to record it against the real property to ensure payment for the previously approved fees.
4. Per order on final account petitioner was ordered to reimburse the estate \$25.59. As no receipt is filed and no final accounting filed by successor conservator, question if this cost was reimbursed or should be held against petitioner's fee request. Need verified supplement.
5. Upon appointment of successor conservator, the court set an accounting review date. It appears this date was vacated in error as the 3<sup>rd</sup> accounting was filed by the prior conservator. Need a 1<sup>st</sup> & final account by Gary Bloom covering the period from 9/12/06 – 11/15/07. Court to set hearing re accounting review of Successor Conservator Gary Bloom (suggest 90 days). Accounting to be filed 30 days in advance.
6. **Second Supplement to Petition is filed seeking to correct the fees in the Order Settling Second account so that fees should have been as follows:**
  - a. **Per Order Settling Second Account: 1) Lawrence Dean - \$14,149.85 and 2) Sherri Kastilahn \$4,569.50.**
  - b. **Per Order Settling Third Account: 1) Lawrence Dean - \$4,182.00 and 2) Sherri Kastilahn \$6,383.25.**
  - c. **Petitioner also requests to include the fees granted to Attorney Lenita Skoretz in the amount of \$5,816.00 by Court Order on 11/16/07. Petitioner alleges the grounds for conversion to a judgment in favor of Attorney Skoretz are the same as the pending petition.**
  - d. **Petitioner requests the legal rate of interest be applicable to the judgment.**
7. **Objection filed by Attorney deBellefeuille on behalf of successor conservator, Gary Bloom.**
8. **Response to objections filed by Lawrence Dean.**

RECOMMENDATION:

Need to clear note 4, Court to set accounting review: note 5. Set contested hearing on the Petition to Confirm Orders as Judgment

FUTURE HEARING DATES:

6/22/08 Petition to access and reinvest annuity

11/20/08 Hearing re Final Discharge (for prior conservator Lawrence Dean)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 10:30 DEPT: E2  
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CASE #: SC SS02576

CASE NAME: MATTER OF CLYDE J COOK

HEARING:  
Hearing Re: TERMINATION OF CONSERVATORSHIP.

COUNSEL:  
JAIME M JOHNSON (CPE)...PRO/PER  
CLYDE J COOK (CEP)...HARTNELL LISTER & MOORE

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON  
Hearing re termination of conservatorship.

#### THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. At 3/20/08 accounting review, court noted that letters of conservatorship issued in Riverside County and that it appears this matter should be terminated. Court set this hearing re termination (no petition to terminate is on file).

RECOMMENDATION  
None.



CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 10:30 DEPT: E2  
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CASE #: SC SS03016

CASE NAME: MTR OF WANDA A. HARDY

**SEE ALSO 32A - 34**

HEARING:

Hearing Re: STATUS OF RELINQUISHMENT OF RECORDS/ASSETS.

COUNSEL:

CHRIS HARDY (CPE)...JOYCE M HOLCOMB

WANDA A. HARDY (CEP)...C. L. FARRELL

LEGACY POST-ACUTE REHABILITATI(TP )..SANDERS, COLLINS & REHASTE LLP

GENERAL INFORMATION:

Continued from 2/11/08 at request of counsel.

**Continued from 3/27/08 oral reports given by PG, County Counsel and Attorney Holcomb. Attorney Holcomb has filed a motion to be relieved as counsel and Attorney Farrell will be filing a motion to remove Chris Hardy. No appearance by Chris Hardy and he has not complied with order to relinquish records and assets, Court issues citation. Clerk noticed bonding company.**

THIS CASE IS SET FOR HEARING ON status of relinquishment of records/assets

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 1-24-08 the court suspended Chris Hardy and appointed the Public Guardian temporary Conservator. Court ordered that Chris Hardy turn over all records and assets to Public Guardian forthwith.
2. Need return of citation on Chris Hardy.

RECOMMENDATION:

Court's discretion.

(NMT/kra)

Future Hearing Dates:

3/27/08 Accounting Review

3/17/09 Hearing re Final Discharge

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 10:00 DEPT: E1  
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CASE #: SC SS03016

CASE NAME: MTR OF WANDA A. HARDY

**SEE ALSO 32-34**

HEARING:

Hearing Re: AUTHORITY TO ESTABLISH BURIAL TRUST.

COUNSEL:

CHRIS HARDY (CPE)...JOYCE M HOLCOMB  
WANDA A. HARDY (CEP)...C. L. FARRELL  
LEGACY POST-ACUTE REHABILITATI(TP )...SANDERS, COLLINS & REHASTE  
LLP

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition to establish Irrevocable Burial Trust

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED

1. Petitioner alleges the current assets on hand are \$4,817.27, that there are sufficient funds to provide for conservatee's ongoing care and to establish a burial trust, and that the eligibility criteria for Social Security Disability does not allow for the recipient's account exceed \$2,000.
2. Petitioner requests authority to deposit up to \$5,000 in an Irrevocable Burial Trust

RECOMMENDATION:

Court's discretion.

(kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 10:30 DEPT: E2  
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CASE #: SC SS03016

CASE NAME: MTR OF WANDA A. HARDY

**SEE ALSO 32-34**

HEARING:

Motion re: TO BE RELIEVED AS COUNSEL filed by Petitioner CHRIS  
HARDY

COUNSEL:

CHRIS HARDY (CPE)...JOYCE M HOLCOMB  
WANDA A. HARDY (CEP)...C. L. FARRELL  
LEGACY POST-ACUTE REHABILITATI(TP )...SANDERS, COLLINS & REHASTE  
LLP

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON motion to be relieve as counsel

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the attorney for the prior conservator, Chris Hardy. Petitioner alleges that communication with Chris Hardy has deteriorated and petitioner cannot effectively represent Ms. Hardy. Petitioner therefore requests to be relieved as attorney of record.
2. There is no opposition in the file.

RECOMMENDATION:

Recommended for approval absent objection

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 10:30 DEPT: E2  
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CASE #: SC SS03016

CASE NAME: MTR OF WANDA A. HARDY

**SEE ALSO 32 - 33**

HEARING:  
Accounting Review

COUNSEL:

CHRIS HARDY (CPE)...JOYCE M HOLCOMB  
WANDA A. HARDY (CEP)...C. L. FARRELL  
LEGACY POST-ACUTE REHABILITATI(TP )...SANDERS, COLLINS & REHASTE  
LLP

GENERAL INFORMATION:

On 1/24/08 court suspended powers of Chris Hardy and appointed PG temporary conservator.

**Continued from 3/27/08 at request of counsel.**

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. On 8/28/07 court approved the 1<sup>st</sup> account; On 1/24/08 court ordered Chris Hardy to file additional documents and an accounting covering the period 12/9/06 – 1/24/08.
2. No accounting filed.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

(kra)

Future Hearing Dates:

3/17/09 Hearing re Final Discharge for Chris Hardy

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 10:30 DEPT: E2  
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CASE #: SC SS03092

CASE NAME: MTR OF DENNIS EARL SCHULTZ

**SEE ALSO 34B**

HEARING:

Hearing Re: AMENDED FIRST ACCOUNT/REPORT;PETN TO CONFIRM FEES.

COUNSEL:

VIRGINIA A CROCKER (CPE)...STEPHEN  
DENNIS EARL SCHULTZ (CEP)...WELCH DACRE & ASSOCIATES, P.C.

GENERAL INFORMATION:

**Continued from 2/11/08. Petitioner states that she cannot locate any records from 5/31/06 – 2/2/07. The court requires that the summary of the accounting be redone and a verified petition filed. Court approves the first account and report subject to the filing of an amended summary of account.**

THIS CASE IS SET FOR HEARING ON 1<sup>st</sup> account current and petition for fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Amended Petition is unverified. Need verification
2. Accounting period covers 2/2/07 – 9/30/07. As petitioner was appointed temporary conservator of the person and estate on 5/31/06 and general conservator on 6/30/06. Need accounting to include the period 5/31/06 – 2/2/07. **Note: Mandatory Judicial Council forms GC400/405.**
3. Need original statements from Citibank to support balances on hand per Pr.C. §2620(c).
4. Need original statements from Union Bank and ICON Advisers, Inc. (only copies submitted) to support the balances on hand per Pr.C. §2620(c).
5. Petitioner waives compensation.
6. Petitioner has paid attorney's fees of \$16,168.72. Conservator must not pay fees out of estate and attorney must not receive payment for services without

prior court order CRC 7.755(a). Services are itemized. Billed at \$400/hour for 55 hours. Court to decide if hourly rate is reasonable.

7. Need notice of hearing and proof of service. **Supp: Petitioner alleges that at no time during the accounting period was a notice of interested party filed or served.** This does relieve the requirements of notice per Pr.C. §2621, §1460.
8. **Court may wish to review the Court Investigator's report filed 4/25/08.**

RECOMMENDATION: Need to clear notes.

(/gls)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 10:30 DEPT: E2  
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CASE #: SC SS03092

CASE NAME: MTR OF DENNIS EARL SCHULTZ

**SEE ALSO 34A**

HEARING:

Petition for TERMINATION OF GUARDIANSHIP

COUNSEL:

VIRGINIA A CROCKER (CPE)...STEPHEN

DENNIS EARL SCHULTZ (CEP)...WELCH DACRE & ASSOCIATES, P.C.

GENERAL INFORMATION:

**Continued from 4/10/08. Court grants petition to terminate, but has concerns and matter continued for Court Investigator investigation and report.**

**See Court Investigator's report in file.**

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 10:30 DEPT: E2  
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CASE #: SLCSS1720

CASE NAME: IN THE MATTER OF MARY ELIZABETH WEGENER

**SEE ALSO 35A**

HEARING:

FIRST / CURRENT Account and Report of DAVID A VALENTINE and  
Petition for allowance of fees filed.

COUNSEL:

DAVID A VALENTINE (CPE)...KELLER WEBER & DOBROTT  
MARY ELIZABETH WEGENER (CEP)...HARTNELL HORSPOOL & FOX

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 1st & current account and petition for fees and for  
order nunc pro tunc correcting order

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Need notice of hearing and proof of service.
2. Accounting period covers 7/30/93 – 2/39/08.
3. Assets exceed \$500,000 and therefore the new standard accounting rules must be used. Even if the petitioner elects not to use the non-mandatory forms, the accounting for receipts and disbursements must be in subject-matter categories. They are not. Please file an amended accounting using the proper format.
4. Disbursements fail to reflect the accounting period from 1993 – 1996. Need verified supplement.
5. Assets on hand \$160,000.00 consisting of real property at Buena Vista Dr. in Rancho Cucamonga. Petitioner alleges this asset is the result of an exchange of real properties under the authority of Pr.C.§2591 granted by the court in 1996. However, petitioner only now seeks the Court's confirmation/ratification of such transaction.
6. On 10/25/1996 petitioner petitioned and the Court granted independent powers under Pr.C.§2591(a) and (g). Petitioner requests that the court order granting independent powers be corrected nunc pro tunc to include the powers authorized under Pr.C.§2591(f), the power to borrow money and give security for the repayment thereof. However, the original petition and order fail to



request/grant the powers under sub-section (f) and petitioner's report and points & authorities fail to give reason for the omission and support for the correction.  
Need verified supplement.

7. Petitioner alleges that the exchange of properties (Alta Cuesta property for Buena Vista property) was necessary, among other reasons, because conservatee's residence had fallen into such disrepair as to make it unrentable and uninhabitable. The exchange of properties was for even value. The report indicates that the exchanged home (on Buena Vista) required repairs such as extensive beam replacement and conducted remodeling on the home including rewiring, plumbing, bathroom fixtures, new flooring, trim and kitchen cabinetry due to dry rot and termite damage. Petitioner alleges these repairs and replacements were necessary due to dry rot and termite damage. Question the costs of such repairs? Also, question if the costs in repairing the Buena Vista property exceeded the proposed costs in repairing conservatee's home on Alta Cuesta? Furthermore, question whether the exchange was a sound investment for the conservatorship estate? File verified supplement.
8. Need copies of escrow closing statement per Pr.C. §2620(c)(4).
9. Need statement showing account balance immediately preceding the date of appointment per Pr.C. §2620(c)(2).
10. Attorney requests fees of \$3,000.00 for services in the preparation and settlement of this accounting. Need itemization of tasks performed, rates charged, and hours worked per CRC 7.702.
11. Petitioner does not request fees.

**RECOMMENDATION:**

Need to clear notes.

(kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 10:30 DEPT: E2  
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CASE #: SLCSS1720

CASE NAME: IN THE MATTER OF MARY ELIZABETH WEGENER

**SEE ALSO 35**

HEARING:  
REPORT SALE AND PETITION FOR ORDER CONFIRMING SALE OF REAL  
PROPERTY

COUNSEL:

DAVID A VALENTINE (CPE)...KELLER WEBER & DOBROTT  
MARY ELIZABETH WEGENER (CEP)...HARTNELL HORSPOOL & FOX

**On 11/29/07, the court indicates it will approve the sale finding there are no overbids. Attorney Hunts indicates there is a \$400,000 encumbrance against the property and there will be no assets remaining after paid off. Court continued matter for counsel to provide details re loan payoff. Report was filed 12/5/07. Report indicates there will be an excess amount of net sales proceeds of \$20,286.53 which counsel alleges will go towards payment of attorney fees and costs (estimated at \$25,799.19). The estimated escrow settlement statement shows a balance due the seller of \$129,333.30, after a proposed beneficiary's trust distribution of \$133,333.33. There is nothing to indicate there is a secured lien against the real property? Need copy of loan payoff demand and authority for beneficiary's trust distribution. On 12/6/07, court notes real property was encumbered without court approval and court would not approve the sale of the property until an accounting was prepared as well needing points and authorities re conservator's authority to encumber the home and where the funds were used. Need such an accounting. Continued from 2/7/08 to clear notes. Accounting since filed, set for hearing 5/1/08. Suggest court trail this hearing to meet that date. Continued from 4/10/08 at request of counsel.**

Address 7634 Buena Vista Dr., Rancho Cucamonga

Appraised value \$500,000 (reappraisal for sale 9/4/07).

Sale price	\$450,000
First overbid	\$473,000
Deposit	\$12,000. Insufficient unless sale is VA or FHA financed – need 10% deposit per local rule 20-807. <b>Supp: Increased to \$50,000.</b>
Commission	Sale is without a broker
Additional bond	None. Court may wish to order bond in an amount equal to the estimated net proceeds of the sale.
Reason for sale	To pay debts
Exposure to market	The house is being sold to the daughter of the conservatee for the fair market value.
Notice	ok.

(/gls/kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 10:30 DEPT: E2  
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CASE #: VC VS00430

CASE NAME: MTR OF DOROTHY M HICKEY

HEARING:  
Accounting Review

COUNSEL:

CONSTANCE BLACK	(PET)...	JANET M HERRING
DOROTHY M HICKEY	(PCE)...	
NANCY PETERSEN	(PCR)...	JANET M HERRING

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON  
Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Second accounting approved 2/27/08.
2. Need next accounting for period 12/19/06 to 12/18/07.

RECOMMENDATION

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

**MISC.**

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DATE: 05/01/08 TIME: 1:30 DEPT: E2  
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CASE #: PROPS0701066

CASE NAME: JON MAURICE HAYES

**SEE ALSO 38**

HEARING:

Court Trial -- Estimated trial length \*\*\* hrs.

COUNSEL:

CHERYL KLUGER (PET)...PRO/PER  
JON MAURICE HAYES (DEC)...

Trial – no notes.

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 05/01/08 TIME: 1:30 DEPT: E2  
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CASE #: PROPS0701066

CASE NAME: JON MAURICE HAYES

**SEE ALSO 37**

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

CHERYL KLUGER (PET)...PRO/PER  
JON MAURICE HAYES (DEC)...

Set for trial (see prior page). See 2/21/08 probate notes and Minute Order for background.